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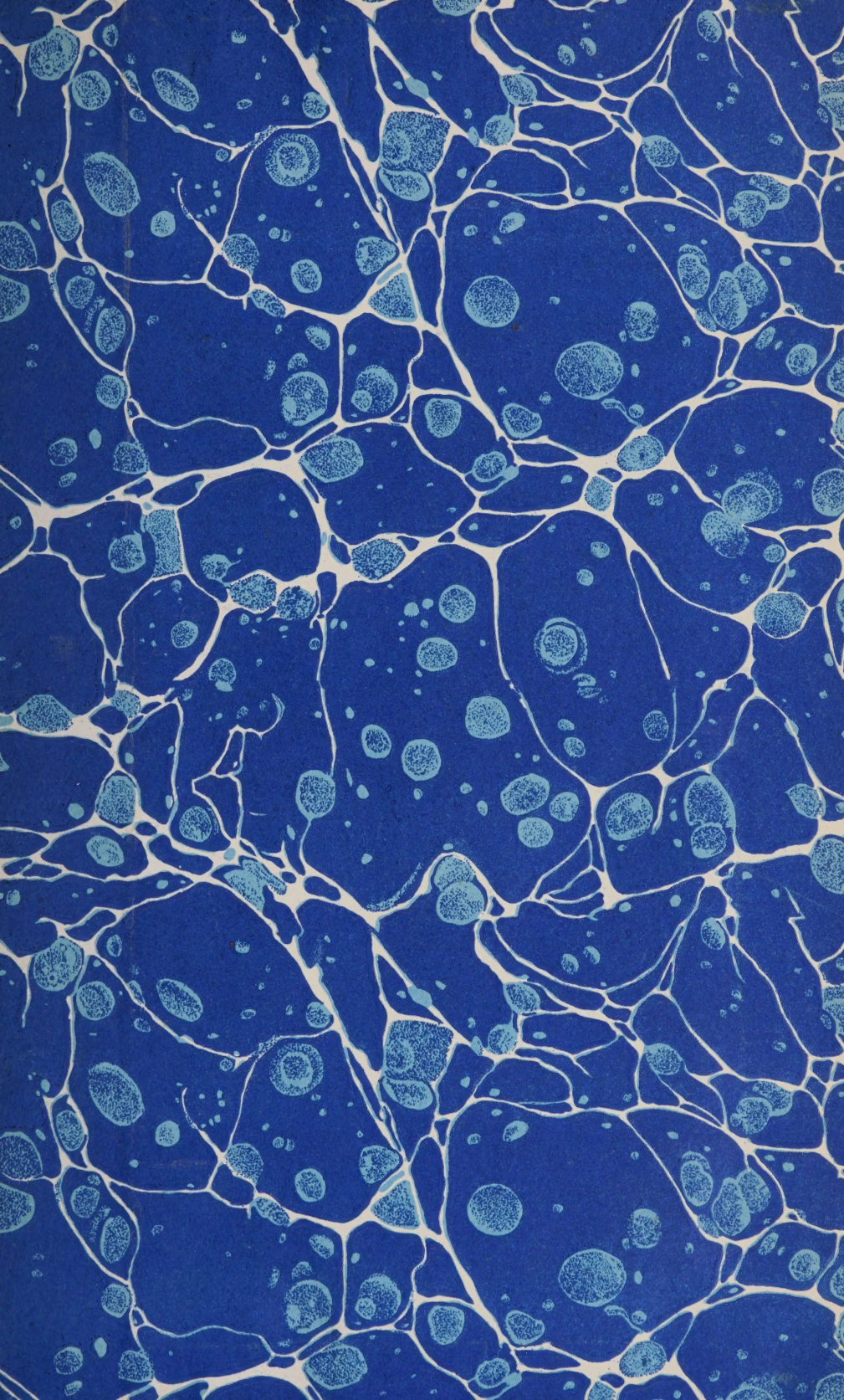
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U. S. DEPARTMENT OF AGRICULTURE

LAWS APPLICABLE TO THE UNITED STATES DEPARTMENT OF AGRICULTURE

1923

EMBRACING ACTS AND PROVISIONS OF A PERMANENT OR
NOT PLAINLY TEMPORARY CHARACTER IN FORCE
AT THE CLOSE OF THE FOURTH SESSION OF
THE SIXTY-SEVENTH CONGRESS,
MARCH 4, 1923

Compiled by

OTIS H. GATES,

ATTORNEY, OFFICE OF THE SOLICITOR



WASHINGTON
GOVERNMENT PRINTING OFFICE

1924

LETTER OF TRANSMITTAL.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SOLICITOR,
Washington, D. C., October 20, 1923.

SIR: I have the honor to transmit herewith a compilation of the laws applicable to the Department of Agriculture, prepared under my direction by Otis H. Gates, an attorney of this office.

I recommend the publication of the compilation for the use of the department.

Respectfully,

R. W. WILLIAMS,
Solicitor.

Hon. HENRY C. WALLACE,
Secretary of Agriculture.



PREFACE.

The design of this work is to consolidate and present in a single volume all existing laws that apply to the Department of Agriculture, to afford a convenient source of reference primarily for the use and guidance of officers and employees of the department. Such a compilation, published in 1908, was superseded by a second published in 1912, which, with four successive annual supplements thereto, embraced the laws applicable to the department in force at the close of the first session of the Sixty-fourth Congress, September 8, 1916. The great amount of legislation affecting the department subsequently enacted has rendered that compilation more or less obsolete and incomplete and its contents in many respects actually misleading. The need of a new compilation to include all existing laws is therefore apparent.

This compilation is intended to present the text of all provisions of law relating or applying to the Department of Agriculture, permanent or not clearly temporary in character that were in force at the close of the fourth session of the Sixty-seventh Congress, March 4, 1923.

A thorough and painstaking examination has been made of the official Revised Statutes of the United States of 1878 and each subsequent act of Congress, to ascertain whether they contained matter appropriate for the compilation, and all such provisions have been carefully selected and preserved.

The purpose is to include all such laws that may be deemed to apply to or affect, as well as those that relate specifically to, the Department of Agriculture, its organization or functions, or its officers or employees or their duties, powers, rights and liabilities. In general, matter not deemed thus applicable to the department is excluded; but where the sense, intent, or relation of a provision would not be clear or complete were it to appear isolated, sufficient of the context, though in itself not within the scope of the compilation, is also inserted. In cases of some acts on particular subjects in separable sections or portions one or more of which are plainly within the scope of the compilation, other sections or portions of the same act, which on their faces are not applicable to the Department of Agriculture, are also inserted because of their relation to the subject of the act and in order to present the particular legislation in its entirety. In certain instances, also, acts and provisions of acts apparently not within the scope of the compilation are included therein because of reference or relation thereto of other acts or provisions more definitely within the scope of the work. In all cases it has seemed better to err on the side of fullness.

The object being to present in the text only such laws actually existing, and not temporary in their nature, provisions which are plainly temporary, expired, executed, specifically repealed, or for which substitutions in expressed terms are provided, are omitted. The original language of the text, as enacted, has been carefully preserved in the compilation in all cases, and no change has been made without express statutory authority. All matter directed by amendatory acts to be added, inserted, or substituted is incorporated.

The method of division and classification pursued was adopted, after careful consideration, as the best adapted and most satisfactory for the purposes of the work.

The sections or parts of sections of the Revised Statutes and Acts of Congress or parts thereof, included in the compilation, have, for convenience of reference thereto, been numbered consecutively throughout the work as sections thereof. At the head of each section of the compilation, in type bolder than that of the text, is the section number, followed by a reference in parentheses and in the same type to the particular section of the Revised Statutes or the Act of Congress, as the case may be, from which the text was taken. Following the text itself in the cases of all provisions taken from Acts of Congress and in the same type as that of the text, is a citation of the volume and page of the Statutes at Large from which the text was taken.

Numerous notes have been inserted below the separate sections of the compilation which convey information intended to be useful in fully understanding the operation, meaning, and scope of the text. They cite the Acts, etc., originally incorporated in the sections or parts of sections of the Revised Statutes compiled in the work. Since the titles of Acts of Congress are often referred to in construing them, these have, in the cases of the Acts or parts or provisions of Acts included in the compilation, been quoted or indicated. Notes are also employed as cross-references to related provisions inserted elsewhere in the compilation. They are also used to explain previous changes made in the legislation relative to the subject, and, wherever useful, state the purport or set forth the language of the previous provisions omitted because amended, repealed, or superseded.

To insure absolute correspondence with the original enactments the proof has been read with special care.

A copious index of the text accompanies the compilation. Particular care and attention have been given to this feature of the work to make it as complete and practicable as possible.

A list of Acts and portions of Acts, wholly or partially included in the compilation, designated by their popular names, and a list of the annual agricultural appropriation Acts are appended to the work.

CONTENTS.

	Page.
Letter of transmittal.....	ii
Preface.....	iii
Laws applicable to the United States Department of Agriculture, 1922.....	1
Acts and parts of acts cited by popular name.....	709
Acts making appropriations for the Department of Agriculture.....	1
General index.....	713

CHAPTERS.

PART I. PROVISIONS RELATING TO THE DEPARTMENT OF AGRICULTURE.

Chapter.	Section.
1. The department and the Secretary of Agriculture.....	1
2. The Weather Bureau.....	148
3. The Bureau of Animal Industry.....	163
4. Live stock.....	168
5. Meats and meat and dairy products.....	204
6. Viruses, serums, antitoxins, and analogous products for domestic animals.....	221
7. Seed and grain.....	222
8. Plant diseases and pests.....	229
9. Insecticides and fungicides.....	250
10. Honeybees.....	262a
11. Foods and drugs.....	263
12. Teas.....	281
13. Naval stores.....	290a
14. Cotton standards.....	290aa
15. Grain standards.....	291
16. Standards for fruit containers.....	303
17. Warehouses.....	315
18. Associations of producers of agricultural products.....	347a
19. Packers and stockyards.....	348
20. Sale of cotton for future delivery.....	379
21. Sale of grain for future delivery.....	401
22. Agricultural colleges.....	414
23. Agricultural experiment stations.....	431
24. Birds and game animals.....	453
25. Highways.....	494
26. National forests.....	536

PART II. PROVISIONS RELATING GENERALLY TO THE PUBLIC SERVICE.

27. Officers and employees.....	911
28. Reports.....	1132
29. Appropriations.....	1139
30. Moneys and accounting.....	1195
31. Property.....	1300
32. Buildings.....	1310
33. Contracts.....	1337
34. Claims.....	1348a
35. Printing.....	1406
36. Documents and records.....	1433
37. Official use of mails.....	1467

PART I.—PROVISIONS RELATING TO THE DEPARTMENT OF AGRICULTURE.

CHAPTER 1.

THE DEPARTMENT AND THE SECRETARY OF AGRICULTURE.

Sec. 1. (R. S. sec. 520.) Establishment of the Department of Agriculture.

There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Act May 15, 1862, ch. 72, sec. 2, 12 Stat. 387.

Sec. 2. (Act February 9, 1889, ch. 122, sec. 1.) Department of Agriculture to be an Executive Department under Secretary of Agriculture.

That the Department of Agriculture, shall be an Executive Department, under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department. (25 Stat. 659.)

This section and the three sections next following were an act entitled "An act to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture," cited above.

This act superseded R. S. sec. 521 which read as follows:

"The Department of Agriculture shall be under the charge of a Commissioner of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year."

R. S. sec. 158, amended by this section, read as follows:

"The provisions of this Title shall apply to the following Executive Departments:

First. The Department of State.

Second. The Department of War.

Third. The Department of the Treasury.

Fourth. The Department of Justice.

Fifth. The Post-Office Department.

Sixth. The Department of the Navy.

Seventh. The Department of the Interior."

Sec. 3. (Act February 9, 1889, ch. 122, sec. 2.) Assistant Secretary of Agriculture; appointment and duties.

That there shall be in said Department an Assistant Secretary of Agriculture, to be appointed by the President, by and with the ad-

vice and consent of the Senate, who shall perform such duties as may be required by law or prescribed by the Secretary. (25 Stat. 659.)

A provision that "the Assistant Secretary is hereby authorized to perform such duties in the conduct of the business of the Department of Agriculture as may be assigned by the Secretary of Agriculture," accompanied the appropriation for the Assistant Secretary in the agricultural appropriation act for the fiscal year 1907, Act June 30, 1906, ch. 3913, *post*, sec. 7, and that for the year next following, but it was not repeated in the subsequent similar acts.

In case of death, resignation, absence, or sickness of the head of any department, the first or sole assistant thereof shall, unless otherwise directed by the President, perform the duties of the head of such department until a successor is appointed, or such absence or sickness shall cease, by R. S. sec. 177, *post*, sec. 914. In case of the death, resignation, absence or sickness of the head of any department, except where the Attorney General is concerned, the President may authorize and direct the head of any other department or any other officer in either department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease, by R. S. sec. 179, *post*, sec. 916.

Sec. 4. (Act February 9, 1889, ch. 122, sec. 3.) Salaries of Secretary and Assistant Secretary of Agriculture.

That the Secretary of Agriculture shall receive the same salary as is paid to the Secretary of each of the Executive Departments, and the salary of the Assistant Secretary of Agriculture shall be the same as that now paid to the First Assistant Secretary of the Department of the Interior. (25 Stat. 659.)

The salaries of the heads of departments, increased from \$8,000 to \$10,000 by provisions of Act March 3, 1873, ch. 226, sec. 1, incorporated in R. S. sec. 160, *post*, sec. 911, were reduced to, and fixed at, \$8,000 by act January 20, 1874, ch. 11, 18 Stat. 4. The rate of compensation of the heads of executive departments who are members of the President's Cabinet was fixed at \$12,000, by Act February 26, 1907, ch. 1635, sec. 4, *post*, sec. 912. Appropriations for the salary of the Secretary of Agriculture, made in the agricultural appropriation acts for the fiscal year 1907 and thereafter, were \$12,000. By a provision of the act for the fiscal year 1914, Act March 4, 1913, ch. 145, *post*, sec. 19, every officer of the department, whose rate of compensation was specified therein, should thereafter receive compensation at the rate so specified.

The appropriation for compensation of the First Assistant Secretary of the Interior for the year in which this act was passed, by Act July 11, 1888, ch. 615, sec. 1, 25 Stat. 284, was \$4,500; and that sum was appropriated for salary of the Assistant Secretary of Agriculture by the subsequent agricultural appropriation acts, including that for the fiscal year 1907, and was increased to \$5,000 by the similar acts thereafter. For the fiscal year 1914, the appropriation for the Assistant Secretary was 5,000, by Act March 14, 1913, sec. 145, and thereafter he is entitled to receive compensation at that rate, by a further provision of said act.

All laws or parts of laws inconsistent with rates of salaries or compensation appropriated by the legislative, executive, and judicial appropriation acts were repealed, and the rates of salaries or compensation of officers or employees appropriated for in said acts are to constitute the rate of salaries or compensation of such officers or employees, respectively, until otherwise fixed by an annual rate of appropriation or other law, by Act July 16, 1914, ch. 141, sec. 6, 38 Stat. 509.

The officers and employees of the United States whose salaries are appropriated for in the legislative, executive, and judicial appropriation act for the fiscal year 1916, Act March 4, 1915, ch. 141, were established and continued from year to year to the extent that they are appropriated for by Congress, by section 6 of said Act, 38 Stat. 1049.

Sec. 5. (Act February 9, 1889, ch. 122, sec. 4.) Laws applicable to the Department continued in force.

That all laws and parts of laws relating to the Department of Agriculture now in existence, as far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect. (25 Stat. 659.)

Sec. 6. (Act July 14, 1890, ch. 707.) Secretary to perform duties of former Commissioner of Agriculture.

The authority granted to the Commissioner of Agriculture by the act of May twenty-ninth, eighteen hundred and eighty-four, establishing the Bureau of Animal Industry, and by the provisions of the appropriation act for the Agricultural Department, approved July eighteenth, eighteen hundred and eighty-eight, relating to said Bureau, is hereby vested in the Secretary of Agriculture; and the said Secretary is hereby authorized and directed to perform all the duties named in said acts and all other acts of Congress in force on February eighth, eighteen hundred and eighty-nine, to be performed by the Commissioner of Agriculture. (26 Stat. 288.)

These were provisions of the agricultural appropriation act for the fiscal year 1891, cited above.

Section 1 of Act May 29, 1884, ch. 60, establishing the Bureau of Animal Industry, referred to in this section, is set forth, *post*, sec. 163. Sections 2-9, relating to the suppression of diseases of live stock and to the transportation of live stock between the States, etc., and to foreign countries, are set forth *post*, secs. 168-175. Section 10 of the act made an appropriation to carry into effect its provisions and is omitted as temporary. Section 11, requiring an annual report to Congress of persons employed, expenditures, etc., under the act, is set forth *post*, sec. 140.

The authority granted by the agricultural appropriation act, Act of July 18, 1888, ch. 677, 25 Stat. 333, referred to in this provision, was limited to the use of the sum therein appropriated for carrying out the provisions of said Act May 29, 1884. Provisions substantially similar were made in subsequent agricultural appropriation acts, though not made permanent.

Sec. 7. (Act June 30, 1906, ch. 3913.) Duties of the Assistant Secretary of Agriculture.

The Assistant Secretary is hereby authorized to perform such duties in the conduct of the business of the Department of Agriculture as may be assigned by the Secretary of Agriculture. (34 Stat. 670.)

This was a provision accompanying the appropriation for the Assistant Secretary in the agricultural appropriation act for the fiscal year 1907, cited above. A provision in the same words accompanied the similar appropriation in the similar act for the fiscal year next following, but was not repeated in subsequent similar acts.

The Assistant Secretary of Agriculture "shall perform such duties as may be required by law or prescribed by the Secretary." by a provision of Act February 9, 1889, ch. 122, sec. 2, *ante*, sec. 3.

Sec. 8. (R. S. sec. 522.) Clerks and employees and their salaries.

There shall be in the Department of Agriculture:

One chief clerk, at a salary of two thousand dollars a year.

One chemist, at a salary of two thousand dollars a year.

One assistant chemist, at a salary of one thousand six hundred dollars a year.

One entomologist, at a salary of two thousand dollars a year.

One microscopist, at a salary of one thousand eight hundred dollars a year.

One botanist, at a salary of one thousand eight hundred dollars a year.

One statistician, at a salary of two thousand dollars a year.

One superintendent of experimental gardens and grounds, at a salary of two thousand dollars a year.

One assistant superintendent of experimental gardens and grounds at a salary of one thousand two hundred dollars a year.

One disbursing clerk, at a salary of one thousand eight hundred dollars a year.

One superintendent of the seed-room, at a salary of one thousand eight hundred dollars a year.

One assistant superintendent of the seed-room, at a salary of one thousand two hundred dollars a year.

One librarian, at a salary of one thousand eight hundred dollars a year.

One engineer, at a salary of one thousand four hundred dollars a year.

One superintendent of the folding-room, at a salary of one thousand two hundred dollars a year.

Two attendants in the museum, at a salary of one thousand dollars a year each.

One carpenter, at a salary of nine hundred and sixty dollars a year.

Act May 15, 1862, ch. 72, sec. 4, 12 Stat. 388. Act March 3, 1873, ch. 226, 17 Stat. 506. Act June 20, 1874, c. 328, 18 Stat. 107.

This section enumerated the subordinate officers, clerks, and employees in the department and their salaries at the time of the compilation of the Revised Statutes, as authorized by the then existing statutes. The appointment of such other employees and the employment of other persons, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture, "as Congress may from time to time provide," was also authorized by R. S., sec. 523, *post*, sec. 9. The officers, clerks, and others actually appointed or employed, and their respective salaries and compensation, depend upon the specific provisions made in the annual appropriation acts for the department, the employment or payment of others in the executive departments being forbidden by provisions of Act August 5, 1882, ch. 389, sec. 4, *post*, sec. 985, which may be regarded as applicable to the Department of Agriculture since it became an executive department by Act February 9, 1889, ch. 313, *ante*, secs. 2-5.

Subsequent agricultural appropriation acts provided for officers, clerks, and employees, and for salaries different from those fixed by this section, increasing with the extension of the scope of the functions of the department. By a provision of the act for the fiscal year 1914, Act March 4, 1913, ch. 145, *post*, sec. 19, every officer or employee of the department whose rate of compensation was specified in said act should thereafter receive compensation at the rate so specified.

Rules for division of time and computation of pay for services rendered, where the compensation of any person in the service of the United States is annual or monthly, were prescribed by Act June 30, 1906, ch. 3914, sec. 6, *post*, sec. 1031.

See notes to R. S. sec. 523, *post*, sec. 9.

Sec. 9. (R. S. sec. 523.) Appointment and salaries of officers and employees.

The Commissioner of Agriculture shall appoint a chief clerk, with a salary of two thousand dollars a year, who in all cases during the necessary absence of the Commissioner, or when the office of Commissioner shall become vacant, shall perform the duties of Commissioner, and he shall appoint such other employés as Congress may from time to time provide, with salaries corresponding to the salaries of similar officers in other Departments of the Government; and he shall, as Congress may from time to time provide,

employ other persons, for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

Act May 15, 1862, ch. 72, sec. 4, 12 Stat. 388.

The Secretary of Agriculture was authorized and directed to perform all the duties of the commissioner, by a provision of Act July 14, 1890, ch. 707, *ante*, sec. 6.

The salary of the chief clerk, as stated in this section, was increased from time to time by subsequent agricultural appropriation acts, and the words "two thousand dollars" may be regarded as superseded by the appropriation, in the act for the fiscal year 1914, for "chief clerk, \$3,000 and \$500 additional as custodian of buildings," and the further provision of said act that thereafter every officer or employee whose compensation was specified therein should receive compensation at the rate so specified, Act March 4, 1913, ch. 145, *post* sec. 19.

The provision of this section that, in case of absence or vacancy in the office of the commissioner, the chief clerk should perform the duties of the office, was superseded by the change of the department into an executive department under a Secretary of Agriculture, with an Assistant Secretary, to perform such duties as may be required by law or prescribed by the Secretary, by Act February 9, 1889, ch. 122, *ante*, secs. 2-5, and the provisions, applicable to all the departments, that, in case of the death, resignation, absence, or sickness of the head of the department, the duties of the office, unless otherwise directed by the President, shall be performed by the assistant, made by R. S. sec. 177, *post*, sec. 914.

Provisions applicable to all the departments, relating to the duties of chief clerks and disbursing clerks, were made by R. S. secs. 173, 174, 176, *post*, secs. 966, 967, 975.

The annual agricultural appropriation acts provide for officers and employees, and for "persons skilled in the natural sciences pertaining to agriculture," including such as were specifically mentioned in the preceding section, and for their salaries. Certain of these were designated in subsequent agricultural appropriation acts as chiefs of the several bureaus, divisions, etc., established in the department, and as assistants, etc. The bureaus, divisions, offices, etc., established in the department from time to time, and as appropriated for in the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, 42 Stat. 1289, included the following: The Weather Bureau, established and attached to the department by Act October 1, 1890, ch. 1266, *post*, secs. 148-151; the Bureau of Animal Industry, established by Act May 29, 1884, ch. 60, sec. 1, *post*, sec. 163; the Bureau of Plant Industry, the Forest Service, the Bureau of Chemistry, and the Bureau of Soils, reorganized from divisions of the department, as described in a provision of Act June 3, 1902, ch. 985, *post*, sec. 10; the Bureau of Entomology; the Bureau of Biological Survey; the Division of Accounts and Disbursements; the Library; the Bureau of Public Roads; the Bureau of Agricultural Economics; and the Federal Horticultural Board.

The legal work of the department is to be performed under the supervision and direction of the Solicitor, by a provision of Act May 26, 1910, ch. 256, *post*, sec. 12.

Each head of a department is authorized to employ such number of clerks and other employees, and at such rates of compensation as may be appropriated for by Congress from year to year, by R. S. sec. 169, *post*, sec. 984; and the employment of officers, clerks, or others in any of the Executive Departments or subordinate bureaus or offices thereof, except at such rates and in such numbers as may be specifically appropriated for by Congress, is prohibited, by Act August 5, 1882, ch. 389, sec. 4, *post*, sec. 985.

The Secretary of Agriculture is authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the department as may be for the best interests of the service, by Act March 4, 1907, ch. 2907, *post*, sec. 14.

The maximum salary of any scientific investigator or other employee engaged in scientific work and paid from general appropriations of the

department is not to exceed \$4,500 per annum, by a provision of Act June 30, 1914, ch. 131, *post*, sec. 18.

The Secretary of Agriculture is authorized and directed to pay the salary of each employee from the roll of the bureau, division, or office in which he is working, and no other, by Act March 4, 1907, ch. 2907, *post*, sec. 20.

For provisions authorizing details of employees of the Department of Agriculture, see *post*, secs. 21-24.

See note to R. S. sec. 522, *ante*, sec. 8.

Sec. 10. (Act June 3, 1902, ch. 985.) Bureaus of Soils, Forestry, Chemistry, and of Plant Industry.

That all existing statutes relating to the Division of Soils, reorganized into the Bureau of Soils; the Division of Forestry, reorganized into the Bureau of Forestry; the Division of Chemistry, reorganized into the Bureau of Chemistry; and the Division of Botany, the Division of Pomology, the Division of Vegetable Physiology and Pathology, the Division of Agrostology and Experimental Gardens and Grounds, reorganized into the Bureau of Plant Industry, not otherwise repealed, shall remain in effect as applying to the respective bureaus into which the divisions named have been reorganized. (32 Stat. 303.)

This was a provision of the agricultural appropriation act for the fiscal year 1903, cited above.

The bureaus mentioned in this provision, and the other existing bureaus, divisions, and offices organized in the department from time to time, are provided for in the agricultural appropriation act for each fiscal year. See note to R. S. sec. 523, *ante*, sec. 9, as to the other bureaus, etc., in the department.

Sec. 11. (Act June 30, 1914, ch. 131.) Powers and duties of Bureau of Statistics transferred to Bureau of Crop Estimates.

Hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics of the Department of Agriculture shall be exercised and performed by the Bureau of Crop Estimates. (38 Stat. 436.)

This was a provision of the agricultural appropriation act for the fiscal year 1915, cited above.

This provision was superseded by a provision of the agricultural appropriation act for the fiscal year 1922, *post*, sec. 11a, and that provision was also superseded by a provision of the similar act for the fiscal year 1923, *post*, sec. 11b.

Sec. 11a. (Act March 3, 1921, ch. 127.) Powers and duties of Bureau of Statistics and Bureau of Crop Estimates transferred to Bureau of Markets and Crop Estimates.

That hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics and the Bureau of Crop Estimates of the Department of Agriculture shall be exercised and performed by the Bureau of Markets and Crop Estimates. (41 Stat. 1343.)

This was a provision of the agricultural appropriation act for the fiscal year 1922, cited above.

This provision superseded a provision of the agricultural appropriation act for the fiscal year 1915, *ante*, sec. 11, and was itself superseded by a provision of the similar act for the fiscal year 1923, *post*, 11b.

Ses. 11b. (Act May 11, 1922, ch. 185.) Powers and duties of Bureau of Markets, Bureau of Markets and Crop Estimates, and Office of Farm Management and Farm Economics transferred to Bureau of Agricultural Economics.

Hereafter the powers conferred and the duties imposed by law on the Bureau of Markets, Bureau of Markets and Crop Estimates, and

the Office of Farm Management and Farm Economics of the Department of Agriculture shall be exercised and performed by the Bureau of Agricultural Economics. (42 Stat. 532.)

This was a provision of the agricultural appropriation act for the fiscal year 1923, cited above.

This provision superseded a provision of the agricultural appropriation act for the fiscal year 1922, *ante*, sec. 11a, which also superseded a provision of the similar act for the fiscal year 1915, *ante*, sec. 11.

Sec. 12. (Act May 26, 1910, ch. 256.) Solicitor to supervise legal work of the department.

Hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor. (36 Stat. 416.)

This was a provision of the agricultural appropriation act for the fiscal year 1911, cited above.

Sec. 13. (Act March 4, 1911, ch. 238.) Disbursing clerk administrative officer of fiscal affairs of department; deputy disbursing clerk, his authority, bond, and liabilities.

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, * * * one deputy disbursing clerk. * * *

The deputy disbursing clerk herein provided for shall hereafter have authority to sign checks in the name of the disbursing clerk; he shall give bond to the United States in such sum as the Secretary of the Treasury may require, and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts, and the official bond of the disbursing clerk executed shall also be made to cover and apply to the acts of the deputy disbursing clerk. (36 Stat. 1258.)

These were provisions of the agricultural appropriation act for the fiscal year 1912, cited above.

The appointment, in case of sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, etc., in Washington, D. C., of another to act in his place, was provided for, and the bond of the principal of the officer was made to cover and apply to the acts of the person appointed to act in his place in such cases, and such acting officer was made subject to all the liabilities and penalties prescribed by law for official misconduct in like cases of the disbursing clerk or agent for whom he acts, and such acting officer was required to give bond, by Act March 4, 1909, ch. 299, sec. 8, *post*, sec. 976.

Provisions applicable to all the departments, relating to the appointment and bonding of disbursing clerks, were made by R. S. sec. 176, *post*, sec. 975.

Sec. 14. (Act March 4, 1907, ch. 2907.) Appointments, promotions, and changes in salaries paid out of lump funds.

Hereafter the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department as may be for the best interests of the service. (34 Stat. 1280.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above. A provision in the same language, but without the word "hereafter," was contained in the similar act for the preceding fiscal year.

A further provision of this act, authorizing and directing the Secretary "to submit to Congress each year a statement covering all appointments, promotions, or other changes made in the salaries paid from lump funds, etc., was repealed, with other provisions of the act, by a provision of Act

March 4, 1911, ch. 238; and the Secretary was required to include with his annual estimates a statement of all executive officers, clerks, and employees below the grade of clerk employed during the preceding fiscal year on any lump-fund appropriation for the department, and the salary or compensation of each, by Act August 11, 1916, ch. 313, *post*, sec. 145. See notes to said section.

Sec. 15. (Act March 4, 1913, ch. 145.) Lump-sum appropriations for the Department of Agriculture available for payment of increased salaries; provision not to be construed to authorize transfer of persons receiving specific salaries and payment of increased compensation from lump-sum appropriations.

That hereafter section seven of the Act approved August twenty-sixth, nineteen hundred and twelve (Thirty-seventh Statutes, page six hundred and twenty-six), and any amendments thereto, shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary. (37 Stat. 854.)

These were provisions of the agricultural appropriation act for the fiscal year 1914, cited above.

Section 7 of Act August 26, 1912, ch. 408, mentioned herein, as amended by Act March 4, 1913, ch. 142, sec. 4, is set forth *post* sec. 1002.

Sec. 16. (Act March 3, 1905, ch. 1405.) Laborers in the Department of Agriculture transferred from lump funds to statutory rolls placed in classified service.

All classified laborers whose positions are transferred from the lump funds to the statutory rolls are hereby placed in the classified service without further examination in the grades and at the rates of compensation herein provided. (33 Stat. 883.)

This was a provision of the agricultural appropriation act for the fiscal year 1906, cited above.

The classified laborers referred to in this provision were made eligible for promotion without further examination, in the grades and at the rates of compensation provided in this act, by a provision of Act June 30, 1906, ch. 3913, *post*, sec. 17.

Sec. 17. (Act June 30, 1906, ch. 3913.) Laborers in the Department of Agriculture transferred to classified service eligible for promotion without further examination.

That all classified laborers whose positions were transferred from the lump funds to the statutory rolls by the Act making appropriations for the Department of Agriculture approved March third, nineteen hundred and five, and who were by the last clause of that Act placed in the classified service without further examination in the grades and at the rates of compensation provided in said Act, are hereby made eligible for promotion without further examination. (34 Stat. 695.)

This was a provision of the agricultural appropriation act for the fiscal year 1907, cited above.

The provision of Act March 3, 1905, ch. 1405, mentioned in this provision, is set forth *ante*, sec. 16.

Sec. 18. (Act June 20, 1914, ch. 131.) Maximum salary of scientific investigators, etc., paid from general appropriations.

That hereafter the maximum salary of any scientific investigator, or other employee engaged in scientific work and paid from the gen-

eral appropriations of the Department of Agriculture, shall not exceed at the rate of \$4,500 per annum. (38 Stat. 441.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1915, cited above.

A provision in the same language except that the amount of the maximum salary was fixed at \$4,000, was contained in Act May 26, 1910, ch. 256, 36 Stat. 440.

This provision was superseded by provisions of a temporary character in the agricultural appropriation acts for the fiscal years 1923 and 1924. The provisions of the latter act, Act February 26, 1923, ch. 119, 42 Stat. 1320, were as follows:

"During the fiscal year 1924, the maximum salary of any scientific investigator, or other employee engaged in scientific work and paid from the general appropriations of the Department of Agriculture, shall not exceed at the rate of \$6,500 per annum: *Provided*, That for the fiscal year 1924 no salary shall be paid under this paragraph at a rate per annum in excess of \$5,000 except the following: Not more than 12 in excess of \$5,000, but not in excess of \$5,500 each, and not more than 5 in excess of \$5,500 each."

Sec. 19. (Act March 4, 1913, ch. 145.) Compensation of officers and employees to be at rates specified in act.

Hereafter every officer or employee of the Department of Agriculture whose rate of compensation is specified herein shall receive compensation at the rate so specified. (37 Stat. 854.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

Sec. 20. (Act March 4, 1907, ch. 2907.) Salary of each employee to be paid from roll of Bureau, etc., in which he is working.

The Secretary of Agriculture is hereby authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other. (34 Stat. 1280.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above.

Sec. 21. (Act March 4, 1907, ch. 2907.) Details of employees of the Department of Agriculture from or to office of the Secretary.

That details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office. (34 Stat. 1280.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above.

Sec. 22. (Act March 4, 1911, ch. 238.) Details of employees from and to library and bureaus and offices of the department.

That hereafter employees of the library may be temporarily detailed by the Secretary of Agriculture for library service in the bureaus and offices of the department, and employees of the bureaus and offices of the department engaged in library work may also be temporarily detailed to the library. (36 Stat. 1261.)

This was a provision of the agricultural appropriation act for the fiscal year 1912, cited above.

Sec. 23. (Act August 10, 1912, ch. 284.) Details of employees of the Department of Agriculture from and to Division of Accounts and Disbursements and bureaus and offices of the Department.

That hereafter employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for

accounting and disbursing work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed. (37 Stat. 294.)

This was a proviso annexed to appropriations for the Division of Accounts and Disbursements in the agricultural appropriation act for the fiscal year 1913, cited above.

Sec. 24. (Act March 4, 1911, ch. 238.) Details of law clerks.

That hereafter the law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington. (36 Stat. 1236.)

This was a provision of the agricultural appropriation act for the fiscal year 1912, cited above. A similar provision, but without the word "hereafter," was contained in the similar act for the preceding fiscal year.

Sec. 25. (Act May 23, 1908, ch. 192.) Leaves of absence to employees of the Department of Agriculture outside of Washington.

The employees of the Department of Agriculture, outside of the city of Washington, may hereafter, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year. (35 Stat. 267.)

This was a provision of the agricultural appropriation act for the fiscal year 1909, cited above. This provision superseded similar provisions applicable to employees of the Weather Bureau, the Bureau of Animal Industry, the Bureau of Plant Industry, the Forest Service, the Bureau of Chemistry, and agricultural experiment stations in Alaska, Hawaii, and Porto Rico, in the agricultural appropriation acts for the fiscal year 1908 and previous fiscal years.

A provision in similar words for leave of absence to employees of the Forest Service assigned to permanent duty in Alaska, but for "thirty days" instead of "fifteen days," and for an extension of "thirty days" instead of "fifteen days," was made by Act March 4, 1913, ch. 145, *post*, sec. 26.

A further provision, in similar words, for leave of absence to employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam, but for "thirty days" instead of "fifteen days," and for an extension of "thirty days" instead of "fifteen days," was made by Act June 30, 1914, ch. 131, *post*, sec. 27; and said provision was made applicable to such employees in the Virgin Islands, and all such employees maybe allowed to take at one time unused annual leave accumulated within not to exceed four years, by provisions of Act July 24, 1919, ch. 26, *post*, sec. 28.

Sec. 26. (Act March 4, 1913, ch. 145.) Leaves of absence to employees of the Forest Service assigned to permanent duty in Alaska.

That hereafter the employees of the Forest Service who are assigned to permanent duty in Alaska may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed thirty days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed thirty days additional in any one year. (37 Stat. 843.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

All employees of the Department of Agriculture outside of the city of Washington may be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such employee is ill, be extended, not to exceed thirty days additional in any one year, by a provision of Act May 23, 1908, ch. 192, *ante*, sec. 25.

The employees of the Department of Agriculture assigned to duty in Alaska and specified insular possessions may be granted leave of absence by a provision, otherwise in the same words, of Act June 30, 1914, ch. 131, *post*, sec. 27, and such annual leave unused was made cumulative within not to exceed four years by Act July 24, 1919, ch. 26, *post*, sec. 28.

Sec. 27. (Act June 30, 1914, ch. 131.) Leaves of absence to employees assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam.

Hereafter employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed thirty days in any one year, which leave may, in exceptional and meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed thirty days additional in any one year. (38 Stat. 441.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1915, cited above.

The employees of the Department of Agriculture outside of the city of Washington may be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such employee is ill, be extended not to exceed thirty days additional in any one year, by a provision of Act May 23, 1908, ch. 192, *ante*, sec. 25.

This provision and a provision of Act July 24, 1919, ch. 26, *post*, sec. 28, superseded in part a similar provision for leave of absence to employees of the Department of Agriculture outside of the city of Washington, not to exceed "fifteen days," and for an extension of "fifteen days," by Act May 23, 1908, ch. 192, *ante*, sec. 25.

Sec. 28. (Act July 24, 1919, ch. 26.) Leaves of absence to employees of the Department of Agriculture in the Virgin Islands; accumulated leaves allowed to employees in Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands.

That hereafter employees of the Department of Agriculture assigned to permanent duty in the Virgin Islands shall be entitled to the same privileges as to leave of absence as are conferred upon employees assigned to Alaska, Hawaii, Porto Rico, and Guam by the Act of June 30, 1914 (Thirty-eighth Statutes at Large, page 441), and if any employee of the agricultural experiment stations of the United States in Alaska, Hawaii, Porto Rico, Guam, or the Virgin Islands shall elect to postpone the taking of any or all of the annual leave to which he may be entitled under the said Act of June 30, 1914, he may, in the discretion of the Secretary of Agriculture, subject to the interests of the public service, be allowed to take at one time unused annual leave which may have accumulated within not to exceed four years, and be paid at the rate prevailing during the year such leave of absence has accumulated. (41 Stat. 262.)

This was a proviso annexed to appropriations for experiment stations in Alaska, Hawaii, Porto Rico, Guam, and the Virgin Islands, in the agricultural appropriation act for the fiscal year 1920, cited above.

The provision of Act June 30, 1914, ch. 131, mentioned in this provision, is set forth *ante*, sec. 27.

Sec. 29. (Act March 4, 1909, ch. 301.) Assignment of pay by employees of Department of Agriculture.

And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department. (35 Stat. 1057.)

This was a provision of the agricultural appropriation act for the fiscal year 1910, cited above.

Sec. 30. (Act March 4, 1907, ch. 2907.) Purchase of mileage books from appropriations for traveling expenses.

And hereafter the Secretary of Agriculture is authorized to purchase from appropriations made for traveling expenses for employees of the Department of Agriculture, mileage and mileage books, at commercial rates, in the manner in which such mileage or mileage books are usually purchased. (34 Stat. 1281.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above.

Sec. 31. (Act August 10, 1912, ch. 284.) Expenses of officials and employees traveling on official business; per diem in lieu of subsistence.

That hereafter, when officials and employees of the Department of Agriculture are traveling on official business in the United States, they may be allowed necessary railroad and steamboat fares, sleeping berth, and stateroom on steamboats, livery hire and stage fare, and other means of conveyance between points not accessible by railroad, but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, to be fixed by the Secretary in each case, in addition to their regular salaries, subject to such rules and regulations as the Secretary of Agriculture may prescribe. (37 Stat. 300.)

This was a provision of the agricultural appropriation act for the fiscal year 1913, cited above.

Only actual traveling expenses were allowed to any person holding employment or appointment under the United States, and all allowances for mileage or transportation in excess of the amount actually paid were declared illegal, by Act March 3, 1875, ch. 133, sec. 1, *post*, sec. 1017.

No officer or employee of the United States, unless otherwise expressly provided by law, was to be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of \$5 per day, nor was any allowance or reimbursement for subsistence to be paid to any officer or employee of any branch of the public service of the United States in the District of Columbia, unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of his official duties, by Act April 6, 1914, ch. 52, sec. 1, *post*, sec. 1018.

Heads of departments were authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law, and the rates of such allowances were required to be stated specifically in annual estimates of appropriations from which they are to be paid, by Act August 1, 1914, ch. 223, sec. 13, *post*, sec. 1019.

The use of funds appropriated for the Forest Service to pay the transportation or traveling expenses of forest officers or agents is restricted to traveling on business directly connected with the Forest Service and in furtherance of the work, aims, and objects specified and authorized by law, by Act March 3, 1921, ch. 127, *post*, sec. 579.

Officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, by Act March 4, 1911, ch. 238, *post*, sec. 33.

Clerks or officers of the United States, when sent away from their places of business as witnesses for the Government, may be paid their necessary expenses in going, returning, and attendance on court, by R. S. sec. 850, *post*, sec. 1020.

Sec. 32. (Act August 10, 1912, ch. 284.) Reimbursement of officials and employees for expenses for street-car fares.

That hereafter officials and employees of the Department of Agriculture may, when authorized by the Secretary of Agriculture, receive reimbursement for moneys expended for street-car fares at their official headquarters when expended in the transaction of official business. (37 Stat. 300.)

This was a provision of the agricultural appropriation act for the fiscal year 1913, cited above.

Sec. 33. (Act March 4, 1911, ch. 238.) Traveling expenses, etc., of employees of the Department of Agriculture transferred from one station to another.

That hereafter officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture. (36 Stat. 1265.)

This was a provision of the agricultural appropriation act for the fiscal year 1912, cited above.

A somewhat similar provision, applicable specifically to the Weather Bureau, was made by Act March 4, 1913, ch. 145, *post*, sec. 161.

Sec. 33a. (Act February 26, 1923, ch. 119.) Mileage rates for motorcycles or automobiles.

Whenever, during the fiscal year 1924, the Secretary of Agriculture shall find that the expenses of travel, including travel at official stations, can be reduced thereby, he may, in lieu of actual traveling expenses, under such regulations as he may prescribe, authorize the payment of not to exceed 3 cents per mile for motor cycle or 7 cents per mile for an automobile, used for necessary travel on official business. (42 Stat. 1319.)

This was a provision of the agricultural appropriation act for the fiscal year 1924, cited above. Similar provisions were contained in the acts for the four preceding fiscal years.

Sec. 34. (Act March 4, 1913, ch. 145.) Restriction on payment of expenses of attendance at meetings or conventions not to prohibit payment of expenses of employees of Department of Agriculture for certain authorized purposes.

That nothing contained in the Act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes, approved June twenty-sixth, nineteen hundred and twelve, shall be so construed as to prohibit the payment from the appropriations for the Department of Agricul-

ture of expenses incidental to the delivery of lectures, the giving of instruction, or the acquiring of information at meetings by its employees on subjects relating to the work of the department authorized by law. (37 Stat. 854.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1914, cited above.

The provisions of Act June 26, 1912, ch. 182, sec. 8, referred to in this paragraph, are set forth, *post*, sec. 1026.

Sec. 35. (Act March 3, 1921, ch. 127.) Restriction on articles for publication.

That no part of any funds appropriated for the Forest Service shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public. (41 Stat. 1330.)

This was a provision of the agricultural appropriation act for the fiscal year 1922, cited above. Similar provisions were contained in the similar acts for the thirteen preceding fiscal years.

Sec. 36. (Act July 24, 1919, ch. 26.) Contributions from outside sources in cooperation with department activities to be paid only through Secretary, or State, etc., agencies, or organizations.

That hereafter in carrying on the activities of the Department of Agriculture involving cooperation with State, county and municipal agencies, associations of farmers, individual farmers, universities, colleges, boards of trade, chambers of commerce, or other local associations of business men, business organizations, and individuals within the State, Territory, district or insular possession in which such activities are to be carried on, moneys contributed from such outside sources, except in the case of the authorized activities of the Forest Service, shall be paid only through the Secretary of Agriculture or through State, county or municipal agencies, or local farm bureaus or like organizations, cooperating for the purpose with the Secretary of Agriculture. (41 Stat. 270.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1920, cited above. A paragraph of said act next succeeding this one is set forth, *post*, sec. 37.

Sec. 37. (Act July 24, 1919, ch. 26.) Officials and employees engaged in cooperative activities and paid from contributions not subject to prohibition against receiving salary from sources other than United States.

The officials and the employees of the Department of Agriculture engaged in the activities described in the preceding paragraph and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the proviso contained in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to the said proviso. (41 Stat. 270.)

The preceding paragraph of this act is set forth *ante*, sec. 36.

The provision of Act March 3, 1917, ch. 163, sec. 1, referred to in this paragraph, is set forth *post*, sec. 1032.

Sec. 38. (R. S. sec. 524.) Bonds for the Commissioner of Agriculture and the chief clerk.

The Commissioner, and the chief clerk, before entering upon their duties, shall severally give bonds to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned to render a true and faithful account to the Treasurer quarter-yearly of all moneys which shall be by them received by virtue of their office, with sureties to be approved by the Solicitor of the Treasury. Such bonds shall be filed in the office of the First Comptroller of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

Act May 15, 1862, ch. 72, sec. 4, 12 Stat. 388.

The requirement of this section that the Commissioner and the chief clerk should give bonds, and a further provision that the bond of the Commissioner should be in the penal sum of \$25,000, made by Act March 3, 1887, ch. 351, sec. 2, 24 Stat. 499, were probably superseded by the change of the department into an executive department, under a Secretary of Agriculture, with an Assistant Secretary, by Act February 9, 1889, ch. 122, *ante*, secs. 2-5.

Sec. 39. (Act August 8, 1894, ch. 238.) Official seal of the Department of Agriculture.

The Secretary of Agriculture is hereby authorized and directed to procure a proper seal, with such suitable inscriptions and devices as he may approve, to be known as the official seal of the Department of Agriculture, and to be kept and used to verify official documents, under such rules and regulations as he may prescribe. (28 Stat. 272.)

This was a provision of the agricultural appropriation act for the fiscal year 1895, cited above.

The fraudulent use and the forging, etc., of the seal of any executive department were made punishable by Act June 15, 1917, ch. 30, secs. 1, 2, *post*, secs. 1109, 1110.

Sec. 40. (Act March 28, 1896, ch. 73, sec. 14.) Commissions of officers under the Secretary of Agriculture.

That hereafter the commissions of all officers under the direction and control of the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture shall be made out and recorded in the respective Departments under which they are to serve, and the Department seal affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States. (29 Stat. 75.)

This was an act entitled "An act to regulate the issue and recording of the commissions of officers in several of the departments," cited above.

Sec. 41. (R. S. sec. 525.) Custody of property, records, etc., of the Department of Agriculture.

The Commissioner of Agriculture shall have charge, in the building and premises appropriated to the Department, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter acquired for use in its business.

Act May 15, 1862, ch. 72, sec. 3, 12 Stat. 387. Res. December 15, 1868, No. 1, 15 Stat. 343.

The Department of Agriculture was made an executive department under the supervision and control of a Secretary of Agriculture, by Act February

9, 1889, ch. 122, *ante*, secs. 2-5, and the duties of the Commissioner of Agriculture were to be performed by the Secretary, by a provision of Act July 14, 1890, ch. 707, *ante*, sec. 6.

The Secretary of Agriculture was required to keep an inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds under his charge, adding thereto an account of property procured from time to time, and an account of sale or other disposition of such property, by R. S. sec. 197, as amended by Act, February 27, 1877, ch. 69, sec. 1, *post*, sec. 43.

Sec. 42. (Act March 4, 1909, ch. 301.) Powers and duty of watchman of the Department of Agriculture.

And hereafter all duly and lawfully constituted and appointed watchmen of the Department of Agriculture stationed in and upon the buildings and premises of said department in the city of Washington, District of Columbia, shall have and perform the same powers and duties, while on duty in and about said premises, as the Metropolitan Police of the District of Columbia. (35 Stat. 1057.)

This was a provision of the agricultural appropriation act for the fiscal year 1910, cited above.

Sec. 43. (R. S. sec. 197, as amended by Act February 27, 1877, ch. 69, sec. 1.) Inventories of property.

The Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, and Commissioner of Agriculture shall keep, in proper books, a complete inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by them, respectively, and under their charge, adding thereto, from time to time, an account of such property as may be procured subsequently to the taking of such inventory, as well as an account of the sale or other disposition of any such property (except supplies of stationery and fuel in the public offices and books, pamphlets, and papers in the Library of Congress).

Act July 15, 1870, ch. 300, sec. 1, 16 Stat. 364. Act February 27, 1877, ch. 69, sec. 1, 19 Stat. 241.

This section, as enacted in the Revised Statutes, was amended by Act February 27, 1877, ch. 69, sec. 1, cited above, by the addition, at the end thereof, of the clause excepting supplies or stationery and fuel in public offices, and books, etc., in the Library of Congress.

The Secretary of Agriculture was to perform all duties of the former Commissioner of Agriculture, by provisions of Act February 9, 1889, ch. 122, *ante*, secs. 2-5, and Act July 14, 1890, ch. 707, *ante*, sec. 6.

The Secretary of Agriculture was to have charge, in the building and premises of the department, of the property appertaining to it or subsequently acquired, by R. S. sec. 525, *ante*, sec. 41.

Sec. 44. (Act March 3, 1899, ch. 458, sec. 2.) Use of Potomac Park by the Department of Agriculture.

That the Secretary of War is authorized to grant permission to the Department of Agriculture for the temporary occupation of such area or areas of Potomac Park, not exceeding a total of seventy-five acres in extent, as may not be needed in any one season for the reclamation or park improvement, the said areas to be used by the Department of Agriculture as testing grounds: *Provided*, That nothing herein contained shall be construed to change the essential character of the lands so used, which lands shall continue to be a public park, as provided in the Act of Congress approved March third, eighteen

hundred and ninety-seven: *And provided further*, That said area or areas shall be vacated by the Department of Agriculture at the close of any season upon the request of the Secretary of War: *And provided further*, That the entire park shall remain under the charge of the Secretary of War. (30 Stat. 1378.)

This was a paragraph of an act entitled "An act relative to the control of war property and certain public space in the District of Columbia," cited above.

The citation of Act March 3, 1897, c. 375, mentioned in this provision is 29 Stat. 624.

Sec. 45. (Act April 18, 1900, ch. 243, sec. 1.) Portion of Arlington estate transferred to Secretary of Agriculture; boundaries of land excepted.

That jurisdiction is hereby transferred and given to the Secretary of Agriculture and his successors in office over so much of the Government land in Alexandria County, Virginia, known as the Arlington estate, as lies east of the public road leading from the Aqueduct Bridge to Alexandria, Virginia, otherwise called the Georgetown and Alexandria road, and between said road and the Potomac River, containing about four hundred acres, with the exception, however, of a strip of land as follows, commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side, thence along said road six hundred and twenty-five yards, thence in a line perpendicular to said road to the Chesapeake and Ohio Canal, thence along said canal to the south line of the reservation, jurisdiction over which is retained by the Secretary of War. (31 Stat. 135.)

This section and the three sections next following were part of an act entitled "An act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," cited above. The last section of the act, providing that the act shall be enforced from its passage, is omitted here.

The provisions of this section were construed by a provision of the agricultural appropriation act for the fiscal year 1903, Act June 3, 1902, ch. 985, *post*, sec. 49.

Sec. 46. (Act April 18, 1900, ch. 243, sec. 2.) Purpose of act to set apart land as a general experimental farm.

That the declared purpose of this Act is to set apart said tract of land as a general experimental farm in its broadest sense, where all that pertains to agriculture in its several and different branches, including animal industry and horticulture, may be fostered and encouraged, and the practice and science of farming in the United States advanced, promoted, and practically illustrated. (31 Stat. 136.)

See note to preceding section.

Sec. 47. (Act April 18, 1900, ch. 243, sec. 3.) Property to be controlled by Secretary of Agriculture; improvements not to interfere with natural waterways, etc.; rights of electric railway company not impaired.

That the Secretary of Agriculture will take immediate and absolute control of said property described in section one, and by clearing, underdraining, grassing, laying out proper roads and driveways, constructing proper bridges and buildings, and in other ways as his judgment may dictate bring said property as rapidly as possible into

the proper condition to answer the purposes for which it is set apart: *Provided*, That all improvements of or which may at any time be made upon said premises, as herein contemplated, shall be so located, constructed, and maintained as not to interfere with or obstruct the natural waterways or the sewers or other means now established or which may hereafter be provided, constructed, or maintained for the purpose of affording proper drainage and sewerage to the other portions of said estate: *And provided further*, That this Act shall not impair or interfere with any of the rights heretofore granted by Act of Congress to the Washington, Alexandria and Mount Vernon Railway Company to construct, maintain, and operate its electric railroad across the said portion of the estate lying east of said public road. (31 Stat. 136.)

See note to section 1 of this Act, *ante*, sec. 45.

Sec. 48. (Act April 18, 1900, ch. 243, sec. 4.) Secretary of Agriculture given discretion to carry act into effect.

That in the development, improvement, and management of said property full discretion is hereby given the Secretary of Agriculture and his successors in office to carry into effect the declared purposes of this Act. (31 Stat. 136.)

See note to section 1 of this act, *ante*, sec. 45.

Sec. 49. (Act June 3, 1902, ch. 985.) Portion of Arlington estate transferred to Secretary of Agriculture; boundaries of land excepted.

ARLINGTON EXPERIMENTAL FARM: To enable the Secretary of Agriculture to continue the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, including employment of labor in the city of Washington or elsewhere, in accordance with the provisions of the Act of Congress approved April eighteenth, nineteen hundred, entitled "An Act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," which Act shall be construed to confer upon the Secretary of Agriculture and his successors jurisdiction over so much of the Government land in Alexandria County, Virginia, known as the Arlington estate, as lies east of the public road leading from the Aqueduct Bridge to Alexandria, Virginia, otherwise called the Georgetown and Alexandria road, and between said road and the Potomac River, containing about four hundred acres, with the exception, however, of a strip of land as follows: Commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side, thence along said road six hundred and twenty-five yards, thence in a line perpendicular to said road to the Chesapeake and Ohio Canal, thence along said canal to the north line of the reservation. (32 Stat. 293.)

These were provisions of the agricultural appropriation act for the fiscal year 1903, cited above. The provisions are repeated in the same words in the similar appropriation act for each fiscal year thereafter to and including that for 1906.

The provisions of Act April 18, 1900, ch. 243, mentioned in these provisions, are set forth *ante*, secs 45-48.

Sec. 50. (Act March 4, 1915, ch. 144.) Lands set aside for use of Department of Agriculture for dry farming or subhumid station in Oklahoma.

The north half of the south half of section nineteen, township two north, range eleven west, Indian meridian, Oklahoma, formerly a

part of the Kiowa, Comanche, and Apache Indian Reservation, is hereby set aside for use of the Department of Agriculture for a dry farming or subhumid station; and the sum of \$200 is hereby appropriated to pay the Indians therefor, which sum shall be placed on deposit in the Treasury of the United States to the credit of the fund "Interest on Apache, Kiowa, and Comanche four per cent fund (benefits)." (38 Stat. 1116.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1916, cited above.

Sec. 51. (Act July 3, 1916, ch. 219.) Exchange of lands for State-owned lands in North Dakota for use of Department of Agriculture for experiments in dry-land agriculture.

That upon receipt of a proper deed from the State of North Dakota, executed under authority of the Act of its legislative assembly, approved February fifth, nineteen hundred and fifteen, reconveying to the United States title to section sixteen, township one hundred and thirty-eight north, range eighty-one west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, non-mineral public lands as may be selected by said State within its boundaries, not exceeding one thousand two hundred and eighty acres in aggregate area, and said section when so reconveyed shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry land agriculture at the Northern Great Plains Field Station, Mandan, North Dakota. (39 Stat. 344.)

This was an act entitled "An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry land agriculture, and for other purposes," cited above.

Sec. 52. (Act November 6, 1919, ch. 94.) Transfer of lot in Forest Grove, Oregon, to Bureau of Entomology.

That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to transfer all right, title, and interest in fractional block 6, of Naylor's addition to the city of Forest Grove, in Oregon, to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture. (41 Stat. 349.)

This was an act entitled "An act authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oregon, to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture," cited above.

Sec. 53. (Act May 31, 1920, ch. 217.) Acquisition of sites in Washington, Florida, and Georgia, for plant propagating stations.

The Secretary of Agriculture is authorized to acquire by gift, devise, or by purchase in fee simple for a sum not to exceed \$1 for each site, the sites now occupied by field stations at Chico, California, consisting of about eighty acres and used for propagating, testing, and distributing new plant introductions; the site at Bellingham, Washington, consisting of about sixty acres and used as a bulb station and for propagating, testing, and distributing new crop plants; and the sites at Buena Vista, Florida, and Savannah, Georgia, consisting of about twenty-five acres and about forty-six

acres, respectively, and used for propagating, testing, and distributing new crop plants peculiarly adapted to the warmer parts of the United States. (41 Stat. 730.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1921, cited above.

Sec. 54. (Act March 2, 1921, ch. 112.) Purchase of lands in California for experimental vineyards.

That the Secretary of Agriculture be, and he is hereby, authorized to purchase and acquire the lands occupied by the department's experiment vineyards near Fresno and Oakville, California, now maintained under contracts with the owners of said lands: *Provided*, That the land purchased for the Fresno vineyards shall not exceed twenty acres at a cost not to exceed \$12,000 and for the Oakville vineyard not to exceed twenty acres at a cost not to exceed \$15,000. (41 Stat. 1205.)

This was an act entitled "An act for the purchase of land occupied by experiment vineyards near Fresno and Oakville, California," cited above.

Further provisions contained in the second deficiency appropriation act for the fiscal year 1921, Act June 16, 1921, ch. 23, 42 Stat. 46, read as follows:

"For the purchase, as authorized by law, of not to exceed twenty acres of land occupied by the Department of Agriculture's experiment vineyard near Fresno, California, now maintained under contract with the owners of said land, \$12,000.

"For the purchase, as authorized by law, of not to exceed twenty acres of land occupied by the Department of Agriculture's experiment vineyard near Oakville, California, now maintained under contract with the owners of said land, \$15,000."

Sec. 55. (Act August 10, 1912, ch. 284.) Exchange of typewriters and computing, etc., machines, purchased from lump-sum appropriations for the Department of Agriculture.

That the Secretary of Agriculture may hereafter exchange typewriters and computing, addressing, and duplicating machines purchased from any lump-fund appropriation of the Department of Agriculture. (37 Stat. 296.)

This was a provision of the agricultural appropriation act for the fiscal year 1913, cited above.

Provisions applicable to all the executive departments, authorizing the exchange of typewriters, adding machines, etc., in part payment for new machines, and requiring an annual report in detail of such exchanges were made by Act March 4, 1915, ch. 147, sec. 5, *post*, sec. 1353.

No department shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter that has been used less than three years, by Act June 5, 1920, ch. 235, sec. 7, *post*, sec. 1354.

All purchases of typewriting machines during the fiscal year 1922 by the executive departments are to be made from the surplus machines in the stock of the General Supply Committee, and if said committee is unable to furnish serviceable machines, it is to furnish unserviceable machines at current exchange prices, and such machines are then to be applied by the Government service receiving them as part payment for new machines from commercial sources at specified prices, and in selling typewriting machines to the Government services the General Supply Committee may accept an equal number of unserviceable machines as part payment thereon, by Act March 3, 1921, ch. 124, sec. 4, *post*, sec. 1356.

Sec. 56. (Act of March 4, 1917, ch. 179.) Exchange of vehicles in part payment for new vehicles.

That hereafter the Secretary of Agriculture may exchange motor-propelled and horse-drawn passenger-carrying vehicles in part pay-

ment for new motor-propelled or horse-drawn passenger-carrying vehicles authorized to be purchased by him, to be used for the same purposes as those proposed to be exchanged, and shall, on the first day of each regular session of Congress, make a report to Congress for the fiscal year last closed showing, as to each exchange hereunder, the make of the vehicle, the period of its use, the allowance therefor, and the vehicle, make thereof, and price, including exchange value, paid, or to be paid, for each vehicle procured through such exchange. (39 Stat. 1167.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1918, cited above.

A further similar provision authorizing the exchange of used parts, accessories, tires, or equipment of motor-propelled and horse-drawn vehicles, was made by Act, March 31, 1920, ch. 217, *post*, sec. 57.

Sec. 57. (Act March 31, 1920, ch. 217.) Exchange of used parts, etc., of vehicles in part payment for new parts, etc.

That hereafter the Secretary of Agriculture may exchange used parts, accessories, tires, or equipment of motor-propelled and horse-drawn vehicles in part payment for new parts, accessories, tires, or equipment of such vehicles authorized to be purchased by him, to be used for the same purposes as those proposed to be exchanged. (41 Stat. 728.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1921, cited above.

The exchange of motor-propelled and horse-drawn passenger-carrying vehicles in part payment for new ones, was similarly authorized, and detailed reports to Congress as to such exchanges were required by provisions of Act, March 4, 1917, ch. 179, *ante*, sec. 56.

Sec. 58. (Act June 30, 1914, ch. 131.) Exchange of scientific apparatus and laboratory equipment.

The Secretary of Agriculture may hereafter exchange general scientific apparatus and laboratory equipment purchased from any appropriation of the Department of Agriculture. (38 Stat. 441.)

This was a provision of the agricultural appropriation act for the fiscal year 1915, cited above.

Sec. 59. (Act March 4, 1915, ch. 144.) Exchange of books and periodicals not needed.

That hereafter the Secretary of Agriculture may exchange books and periodicals of the library not needed for permanent use for other books and periodicals. (38 Stat. 1107.)

This was a provision of the agricultural appropriation act for the fiscal year 1916, cited above.

Sec. 60. (Act May 23, 1908, ch. 192.) Sale of copies of card index of department publications and other agricultural literature prepared by Library.

And hereafter the Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies. (35 Stat. 264.)

This was a provision accompanying appropriations for the library in the agricultural appropriation act for the fiscal year 1909, cited above. Similar provisions, but without the word "hereafter," accompanied appropri-

tions for the library in the similar appropriation acts for the five fiscal years preceding.

A similar provision of this act, relating to copies of the card index of agricultural literature "prepared by the Office of Experiment Stations," is set forth *post*, sec. 61; and a further similar provision regarding copies of the card index of agricultural literature "prepared by the Department of Agriculture" in connection with its administration of specific acts of Congress, made by Act March 4, 1915, ch. 144, is set forth *post*, sec. 62.

Sec. 61. (Act May 23, 1908, ch. 192.) Sale of copies of card index of agricultural literature prepared by Office of Experiment Stations; disposition of receipts.

And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. (35 Stat. 266.)

This was a provision accompanying appropriations for the Office of Experiment Stations in the agricultural appropriation act for the fiscal year 1909, cited above. Similar provisions, but without the word "hereafter," accompanied appropriations for the Office of Experiment Stations in the similar appropriation acts for the sixteen fiscal years preceding.

The provisions formerly made in the annual agricultural appropriation acts under the heading "Office of Experiment Stations" were, in the similar act for the fiscal year 1916 and thereafter, made under the heading "States Relations Service."

A similar provision of this act relating to copies of the card index of publications of the Department and of other agricultural literature "prepared by the Library," is set forth *ante*, sec. 60; and a further similar provision regarding copies of the card index of agricultural literature "prepared by the Department of Agriculture" in connection with its administration of specific acts of Congress, made by an Act March 4, 1915, ch. 144, is set forth *post*, sec. 62.

Sec. 62. (Act March 4, 1915, ch. 144.) Sale of copies of card index of agricultural literature prepared by Department; disposition of receipts.

And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Department of Agriculture in connection with its administration of the Act of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page four hundred and forty), and the Act of March sixteenth, nineteen hundred and six (Thirty-fourth Statutes at Large, page sixty-three), and the Acts amendatory of and supplementary thereto, and charge for the same a price covering the additional expenses involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts. (38 Stat. 1109.)

This was a provision of the agricultural appropriation act for the fiscal year 1916, cited above.

Act March 2, 1887, ch. 314, mentioned herein, is set forth, *post*, secs. 431-440.

Act March 16, 1906, ch. 951, mentioned herein, is set forth, *post* secs. 442-447.

Similar provisions relating to copies of a card index of publications of the department and of other agricultural literature "prepared by the library", copies of a card index of agricultural literature "prepared by the Office of Experiment Stations", made by Act May 23, 1908, ch. 192, are set forth *ante*, secs. 60, 61.

Sec. 63. (Act March 4, 1907, ch. 2907.) Sale of photographic prints, etc., and forest maps, and of condemned property, etc.

To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry * * * and hereafter he may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blue prints, and forest maps at cost and ten per centum additional, and condemned property or materials under his charge in the same manner as provided by law for other bureaus. (34 Stat. 1270.)

This was a provision accompanying appropriations for the Forest Service in the agricultural appropriation acts for the fiscal year 1908, cited above. A similar provision, but without the word "hereafter," was contained in the similar acts for the two preceding fiscal years.

A provision of this Act, authorizing the Secretary of Agriculture to furnish prints and lantern slides from negatives in the possession of this department, is set forth *post*, sec. 64.

Sec. 64. (Act March 4, 1907, ch. 2907.) Sale of prints and lantern slides from photographic negatives.

And hereafter the Secretary of Agriculture is hereby authorized to furnish, upon application, prints and lantern slides from negatives in the possession of the department and to charge for the same a price to cover the cost of preparation, such price to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States. (34 Stat. 1281.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above. A provision in the same words, but without the word "hereafter," was contained in the similar act for the preceding fiscal year.

A provision of this act, for the sale by the Secretary of Agriculture of photographic prints (including bromide enlargements), lantern slides, transparencies, blue prints, forest maps, and condemned property or materials, is set forth *ante*, sec. 63.

Sec. 65. (Act May 31, 1920, ch. 217.) Loan, rent, or sale of copies of films; preference to educational institutions, disposal of receipts.

That hereafter the Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films: *Provided*, That in the sale or rental of films educational institutions or associations for agricultural education not organized for profit shall have preference; all moneys received from such rentals or sales to be covered into the Treasury of the United States as miscellaneous receipts. (41 Stat. 718.)

This was a provision of the agricultural appropriation act for the fiscal year 1921, cited above.

Provisions in the same terms, but without the word "hereafter," were contained in the similar acts for the three preceding fiscal years.

Sec. 66. (Act February 26, 1923, ch. 119.) Sale of products from agricultural experiment stations in Alaska, Hawaii, Porto Rico, Guam, and the Virgin Islands.

The Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts. (42 Stat. 1292.)

This was a provision of the agricultural appropriation act for the fiscal year 1924, cited above. Similar provisions were contained in the similar acts for the twenty-one preceding fiscal years.

Sec. 67. (Act July 24, 1919, ch. 26.) Secretary of Agriculture may supply American bison to municipalities, etc., permitted.

That hereafter the Secretary of Agriculture may, in his discretion and under such conditions as he may prescribe, supply to any municipality or public institution not more than one American bison from any surplus which may exist in any herd under the control of the Department of Agriculture; and, in order to aid in the propagation of the species, animals may be loaned to or exchanged with other owners of American bison. (41 Stat. 270.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1920, cited above.

Sec. 68. (Act March 4, 1915, ch. 144.) Sale of samples of pure sugars, naval stores, microscopical specimens, etc.; disposition of receipts.

Hereafter the Secretary of Agriculture may furnish, upon application, samples of pure sugars, naval stores, microscopical specimens, and other products to State and municipal officers, educational institutions, and other parties and charge for the same a price to cover the cost thereof, such price to be determined and established by the Secretary, and the money received from sales to be deposited in the Treasury of the United States as miscellaneous receipts. (38 Stat. 1101.)

This was a provision of the agricultural appropriation act for the fiscal year 1916, cited above.

Sec. 69. (Act March 4, 1907, ch. 2907.) Sale as waste paper of accumulations of Department files and obsolete or worthless documents and publications.

And hereafter the Secretary of Agriculture is authorized to sell as waste waste paper, or otherwise, to dispose of the accumulation of Department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless. (34 Stat. 1281.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above.

The Secretary of Agriculture was authorized to sell any surplus maps or publications of the Weather Bureau, by a further provision of this act, *post*, sec. 159; and the destruction of old telegrams of the Weather Bureau was authorized by Act May 25, 1900, ch. 555, *post*, sec. 160.

Provisions, applicable to all the departments, for the disposition of accumulations of useless papers, made in Act February 16, 1889, ch. 171, and Act March 2, 1895, ch. 189, sec. 1, are set forth, *post*, secs. 1464, 1465.

Sec. 70. (Act September 21, 1922, ch. 356, tit. II, sec. 201.) Plants, etc., seeds, etc., imported by the Department of Agriculture exempt from duty.

That on and after the day following the passage of this Act, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila), shall be exempt from duty:

* * * * *

Par. 1642. Plants, trees, shrubs, roots, seed cane, seeds, and other material for planting, imported by the Department of Agriculture or the United States Botanic Garden. (42 Stat. 922, 930.)

These were provisions of the Tariff Act of 1922, cited above. Similar provisions were contained in previous tariff acts.

Sec. 71. (Act January 12, 1895, ch. 23, sec. 73.) Pamphlet copies of Statutes; number of copies for Department of Agriculture.

The Secretary of State shall cause to be edited, printed, published, and distributed pamphlet copies of the statutes of the present and each future session of Congress to the officers and persons hereinafter provided for; said distribution shall be made at the close of every session of Congress, as follows: * * * to the Department of Agriculture, fifty copies: * * *. (28 Stat. 614.)

This was a provision of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Portions of the paragraph omitted here, as indicated, consist of an enumeration of officers, departments, establishments, etc., of the Government, with the number of copies allotted to each, respectively.

Sec. 72. (Act January 12, 1895, ch. 23, sec. 73.) Statutes at Large; number of copies for Department of Agriculture.

After the close of each Congress the Secretary of State shall have edited, printed, and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows: * * * to the Department of Agriculture, fifty copies; * * *. (28 Stat. 615.)

This was a provision of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Portions of the paragraph omitted here, as indicated, consist of an enumeration of officers, departments, establishments, etc., of the Government, with the number of copies allotted to each, respectively.

This section superseded Act June 20, 1874, ch. 333, sec. 7, 18 Stat. 114, which contained a provision in the same words as that of this act, except that the allotment for the Department of Agriculture was "five copies." It also superseded R. S. sec. 3807, which provided for the printing and binding of the acts and resolutions of Congress; and also R. S. sec. 3808, which required the Secretary of the Interior to cause to be published, at the close of every session of Congress, copies of the acts and resolutions passed by Congress.

Sec. 73. (Act March 3, 1911, ch. 231, sec. 227, as amended by Act July 1, 1922, ch. 267. Supreme Court reports and digests; number of copies to departments, etc.)

The Attorney General shall distribute copies of the said Supreme Court reports as follows: To * * * the Secretary of Agriculture, * * * each Assistant Secretary of each of the executive departments, * * * the Forester and Chief of Forest Service, Department of Agriculture; * * * and the heads of such other Executive offices as may be provided by law of equal grade with any of said offices, each one copy: * * * The Attorney General shall distribute one complete set of said reports and one set of the digests thereof to such executive officers as are entitled to receive said reports under this section and have not already received them: * * *. Said reports and digests shall remain the property of the United States and shall be preserved by the officers above named and by them turned over to their successors in office. (36 Stat. 1154; 42 Stat. 816.)

These were provisions of the Judicial Code, Act March 3, 1911, ch. 231, sec. 227, cited above, as amended by Act July 1, 1922, ch. 267, also cited above. This section incorporated the provisions of R. S. sec. 683; Act

February 12, 1889, ch. 135, 25 Stat. 661; and Act July 1, 1902, ch. 1355, 32 Stat. 630.

Portions of the section, omitted here as indicated, specified Government officers and libraries, with the number of copies allotted to each, respectively.

Sec. 74. (R. S. sec. 526.) Duties of the Secretary of Agriculture.

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his Office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

Act May 15, 1862, ch. 72, sec. 3, 12 Stat. 387.

The Department of Agriculture was made an executive department under a Secretary of Agriculture by Act of February 9, 1889, ch. 122, *ante*, secs. 2-5, and the Secretary was authorized and directed to perform all the duties named in acts of Congress in force on February 8, 1899, to be performed by the Commissioner of Agriculture, by provisions of Act July 14, 1890, ch. 707, *ante*, sec. 6.

This section enumerated the duties devolving upon the Commissioner of Agriculture at the time of the compilation of the Revised Statutes, as prescribed by the then existing statute, cited above. The scope of the functions of the department was greatly extended and many additional duties were imposed and powers conferred upon the Secretary by subsequent legislation. The existing provisions relating to the same are set forth in this compilation, but they are so great in number that particular notes regarding them are impracticable. For reference thereto the index should be consulted.

Sec. 75. (R. S. sec. 527, as amended by Act April 25, 1896, ch. 140, sec. 1.) Purchase and distribution of seeds, plants, etc.

That purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation.

Act June 25, 1864, ch. 147, sec. 1, 13 Stat. 145, 155. Act March 2, 1865, ch. 73, sec. 1, 13 Stat. 445, 455. Act July 23, 1866, ch. 208, sec. 1, 14 Stat. 199, 201. Act March 2, 1867, ch. 166, sec. 1, 14 Stat. 440, 452. Act April 25, 1896, ch. 140, 29 Stat. 106. Act March 3, 1875, ch. 128, sec. 7, 18 Stat. 343.

This section as enacted in the Revised Statutes, was as follows:

"The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings, shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States."

It was amended by Act April 25, 1896, ch. 140, sec. 1, cited above, to read as set forth here.

Appropriations for the purchase, etc., and distribution of valuable seeds, bulbs, etc., and plants, with provisions for allotment of an equal proportion of five-sixths thereof to Senators, Representatives, and Delegates to Congress for distribution among their constituents, the provisions of the successive acts varying in details from year to year, were made annually in the agricultural appropriation acts but were discontinued in the act for the fiscal year 1924. Such provisions for the fiscal year 1923, Act May 11, 1922, ch. 185, are set forth *post*, sec. 76.

Provisions that seeds transmitted by the Secretary of Agriculture or by Members of Congress receiving seeds from said Department, may pass through the mails free of charge are contained in Act March 3, 1875, ch. 128, *post*, sec. 77.

Provisions for the printing and furnishing by the Public Printer of franks for sending out seeds on congressional orders are contained in Resolution May 19, 1902, No. 23, *post*, sec. 78.

Sec. 76. (Act May 11, 1922, ch. 185.) Purchase, distribution, etc., of seeds, plants, etc.; quality an adaptation; contracts for packets, etc., and packeting, etc.; allotment to Members of Congress for distribution; distribution of uncalled for allotments; report of place, quantity, price, and date of seeds purchased; diversion of appropriation forbidden.

PURCHASE AND DISTRIBUTION OF VALUABLE SEEDS: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, \$360,000. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as herein stated; and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery

not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this Act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants. (42 Stat. 516.)

These are provisions contained in the agricultural appropriation act for the fiscal year 1923, cited above.

See R. S. sec. 527 and notes thereto, *ante*, sec. 75.

Sec. 77. (Act March 3, 1875, ch. 128, sec. 7.) Seeds and reports from Department of Agriculture, to be transmitted through mails free of charge.

That seeds transmitted by the Commissioner of Agriculture, or by any member of Congress or delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-delegates for the period of nine months after the expiration of their terms as members and delegates. (18 Stat. 343.)

The words "Commissioner of Agriculture" in this section, were superseded by provisions making the Department of Agriculture an Executive Department under the supervision and control of a Secretary of Agriculture, by Act February 9, 1889, ch. 122, sec. 1, *ante*, sec. 2.

The Public Printer was required to furnish to the Department of Agriculture franks for sending out seeds on Congressional orders, by Res. May 19, 1902, No. 23, *post*, sec. 78.

Provisions for the purchase, etc., and Congressional distribution of seeds, etc., by the Department of Agriculture, contained in Act March 3, 1921, ch. 127, are set forth *ante*, sec. 76.

Bulletins and reports of agricultural experiment stations were required to be transmitted in the mails free of postage, by Act March 2, 1887, ch. 314, sec. 4, *post*, sec. 434.

Bulletins, etc., in furtherance of cooperative agricultural extension work between agricultural colleges and the Department of Agriculture could be transmitted through the mails free of postage, by Act June 30, 1914, ch. 131, *post*, sec. 430.

Sec. 78. (Res. May 19, 1902, No. 23.) Franks for Department of Agriculture for mailing seeds.

That the Public Printer shall furnish to the Department of Agriculture such franks as the Secretary of Agriculture may require for sending out seeds on Congressional orders, the franks to have printed thereon the facsimile signatures of Senators, Representatives, and Delegates, also the names of their respective States or Territories, and the words "United States Department of Agriculture, Congressional Seed Distribution", or such other printed matter as the Secre-

tary of Agriculture may direct; the franks to be of such size and style as may be prescribed by the Secretary of Agriculture; the expense of printing the said franks to be charged to the allotment for printing and binding for the two Houses of Congress. (32 Stat. 741.)

This was a resolution entitled "Joint resolution providing for the printing annually of franks required for sending out seed," cited above.

Provisions for the purchase, etc., and congressional distribution of seeds, etc., by the Department of Agriculture, contained in Act March 3, 1921, ch. 127, are set forth, *ante*, sec. 76.

Seeds transmitted by the Secretary of Agriculture or by Members of or Delegates to Congress receiving seeds for distribution from said department, shall pass through the mails free of charge, by Act March 3, 1875, ch. 128, sec. 7, *ante*, sec. 77.

Sec. 79. (Act February 1, 1905, ch. 288, sec. 1.) Secretary of Agriculture to execute laws affecting lands reserved for national forests; exceptions.

That the Secretary of the Department of Agriculture shall, from and after the passage of this Act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the Act entitled "An Act to repeal the timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, and Acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands. (33 Stat. 628.)

This was the first section of an act entitled "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," cited above.

The other sections of this act are set forth as follows: Sec. 2, *post*, 557, sec. 3, *post*, 578; sec. 4, *post*, 843; sec. 5, *post*, 565.

Section 24 of Act March 3, 1891, ch. 561, and acts supplementary to and amendatory thereof, referred to in this section, are set forth, *post*, secs. 536-582, 624-643, 725-735.

The laws relating to the national forests are set forth, *post*, secs. 536-910.

Before the passage of this act the Secretary of the Interior was charged with supervision of public lands, by R. S. sec. 441, and with the execution of the laws relating to forest reserves by various provisions of such laws.

Annual appropriations for the protection, administration, and improvement of the national forests, previously made in the sundry civil appropriation acts under the Department of the Interior, were made, for the fiscal year 1906 and each year thereafter, in the agricultural appropriation acts under "Forest Service."

Sec. 80. (Act May 31, 1920, ch. 217.) Powers and duties conferred by act to prevent importation of impure and unwholesome tea transferred to Secretary of Agriculture; bonds subject to approval of collectors of customs; Board of Tea Appeals created.

The Secretary of Agriculture shall, from and after the taking effect of this Act, execute and perform all the powers and duties conferred on the Secretary of the Treasury by the Act approved March 2, 1897 (Twenty-ninth Statutes at Large, page 604), entitled "An Act to prevent the importation of impure and unwholesome tea," as amended by the Act approved May 16, 1908 (Thirty-fifth Statutes at Large, page 163), entitled "An Act to amend an Act entitled 'An Act to prevent the importation of impure and unwholesome tea,' approved March 2, 1897": *Provided*, That the bonds given to the United States as security in pursuance of section 1, as amended, shall be subject to the approval only of the collector of cus-

toms at the port or entry; that in place of the Board of United States General Appraisers provided for by section 6 of the Act, there shall be designated by the Secretary of Agriculture three employees of the Department of Agriculture to serve as the United States Board of Tea Appeals with all the powers and duties conferred by the Act on the Board of United States General Appraisers. (41 Stat. 712.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1921, cited above.

Act March 2, 1897, ch. 358, as amended by Act May 16, 1908, ch. 170, referred to in this paragraph, is set forth, *post*, secs. 281-290.

Sec. 81. (Act June 16, 1880, ch. 235.) Entomological investigations transferred to Department of Agriculture.

For the completion of the work of the United States Entomological Commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cottonworm, the sum of twenty-five thousand dollars, to be immediately available: *Provided*, That after the close of the next fiscal year all work of the character herein provided for shall be exclusively under the control of the Agricultural Department, and all operations under the Interior Department shall be fully and finally closed before the thirtieth day of June, eighteen hundred and eighty-one. (21 Stat. 276.)

This was a provision of the sundry civil appropriation act for the fiscal year 1881, cited above.

Sec. 82. (Act May 25, 1900, ch. 553, sec. 1.) Preservation, etc., of game birds and other wild birds.

That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this Act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor. (31 Stat. 187.)

This was the first section of an act entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," and known as the Lacey Act, cited above.

Secs. 2-4 and a provision of sec. 5 of this act, making unlawful the importation of certain foreign wild animals and birds and the interstate transportation of animals or birds the importation of which is prohibited, or the dead bodies of wild animals or birds killed or shipped in violation of the laws of a State, etc., were incorporated as sections 241-244 of the Criminal Code, Act March 4, 1909, ch. 321, *post*, secs. 465-468. Said sections

2-4 of said act were repealed by section 341 of said Code. Section 5 of the act is set forth, *post*, sec. 469.

The Secretary of Agriculture was empowered to authorize and regulate the importation of eggs of game birds for propagation, by Act June 3, 1902, ch. 983, *post*, sec. 453.

Hunting, etc., of any kind of bird or taking the eggs thereof on any lands of the United States which have been reserved as breeding grounds for birds by law, proclamation, etc., except under regulations prescribed by the Secretary of Agriculture was prohibited and made punishable by section 84 of the Criminal Code, Act. March 4, 1909, ch. 321, *post*, sec. 458.

Provisions that migratory game and insectivorous birds, which in their northern and southern migrations do not remain permanently within the borders of any State or Territory, shall be deemed within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations to be adopted by the Department of Agriculture, were made by Act May 4, 1913, ch. 145, and are set forth, *post*, sec. 470.

The Secretary of Agriculture was authorized and directed to determine when, by what means it is compatible with the terms of a convention between the United States and Great Britain for the protection of migratory birds, to allow hunting, taking, etc., shipment, etc., of such birds, or nests or eggs thereof, and to adopt regulations permitting or governing the same, by the Migratory Bird Treaty Act, Act July 3, 1918, ch. 128, *post*, secs. 471-483.

Sec. 83. (Act May 31, 1920, ch. 217.) Powers and duties with respect to fur-bearing animals in Alaska transferred from Secretary of Commerce to Secretary of Agriculture; powers and duties with respect to walruses and sea lions transferred from Secretary of Agriculture to Secretary of Commerce; jurisdiction over fur seals, etc., unchanged; authority of wardens extended.

Hereafter the powers and duties heretofore conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to any mink, marten, beaver, land otter, muskrat, fox, wolf, wolverine, weasel, or other land fur-bearing animals in Alaska, and with respect to the leasing of certain islands in Alaska for the propagation of fur-bearing animals, are hereby conferred upon, and shall be exercised by, the Secretary of Agriculture, and the powers and duties conferred upon the Secretary of Agriculture by existing law, with respect to walruses and sea lions, are hereby conferred upon, and shall be exercised by, the Secretary of Commerce: *Provided*, That nothing in this Act shall affect the powers and duties conferred upon the Secretary of Commerce by existing law, proclamations, or Executive orders with respect to fur seals and sea otters, and jurisdiction over the Pribiloff Islands and the fur-bearing animals thereon: and hereafter the wardens and other officers heretofore or hereafter appointed by the Secretary of Agriculture for the protection of bird reservations in Alaska under control of the Department of Agriculture, or for the protection of fur-bearing animals in Alaska, shall have and exercise like authority and powers in the performance of their respective duties as are conferred upon game wardens by the Alaska game law of May 11, 1908 (Thirty-fifth Statutes at Large, page 102), and by existing law upon officers and agents of the Department of Commerce employed in the salmon fisheries and fur-seal and sea-otter services in Alaska. (41 Stat. 716.)

These were provisions annexed to an appropriation, under "Bureau of Biological Survey," for the protection of land fur-bearing animals in Alaska, in the agricultural appropriation act for the fiscal year 1921, cited above.

Act May 11, 1908, ch. 162, mentioned in this section, is set forth, *post*, secs. 484-491.

Sec. 84. (Act May 23, 1908, ch. 192.) Establishing standards of grades of cotton.

To enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance for that purpose expert cotton classifiers, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which shall be the official standard of cotton classifications. And the Secretary of Agriculture is authorized and directed to prepare in practical form the standard of said grades and furnish the same upon request to any person, the cost thereof to be paid, when delivered, by the person requesting the same, and certified under the signature of the said Secretary and the seal of his Department. (35 Stat. 256.)

These were provisions of the agricultural appropriation act for the fiscal year 1909, cited above.

Provisions for the same purpose were made in similar appropriation acts for subsequent fiscal years.

Appropriations for investigating the handling, grading, etc., of cotton, and the establishment of standards for the different grades thereof, and for carrying into effect the provisions of law relating thereto, were made in the agricultural appropriation acts for the fiscal years 1910 to 1915, inclusive. In the similar acts for subsequent fiscal years appropriations were made for investigating, demonstrating, and promoting the use of standards for the different grades, qualities, and conditions of cotton, and for investigating the ginning, grading, stapling, bailing, etc., of cotton.

The Secretary of Agriculture was authorized to establish standards of cotton for the purposes of the Cotton Futures Act, to be known as "official cotton standards," and to adopt, change, or replace any standard established under this section, by provisions of said Cotton Futures Act, Act August 11, 1916, ch. 313, Part A, sec. 9, *post*, sec. 387. Further provisions authorizing the Secretary to establish official cotton standards, and for the adoption, change, or replacement of those established under the Cotton Futures Act, and for the furnishing of practical forms, were made by the Cotton Standards Act, Act March 4, 1923, ch. 288, sec. 6, *post*, sec. 290ff.

Sec. 85. (Act May 23, 1908, ch. 192.) Examinations of and reports on samples of seed or grain; fixing of grades; certificates of inspection.

To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments, from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, and also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce. (35 Stat. 257.)

This was a provision of the agricultural appropriation act for the fiscal year 1909, cited above. Similar provisions were contained in the similar appropriation acts for the two preceding fiscal years. Provisions for the same purpose were contained in similar appropriation acts for subsequent fiscal years.

Appropriations "for investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof" were made in the

agricultural appropriation acts for the fiscal years 1910 to 1916, inclusive, and with the insertion of the words "including the grain sorghums" after the word "grain," in the similar act for each year thereafter.

This provision was probably superseded by provisions of the Grain Standards Act, Act August 11, 1916, ch. 313, *post*, secs. 291-302.

Sec. 86. (Act July 24, 1919, ch. 26.) Secretary of Agriculture or any authorized representative empowered to administer oaths, examine witnesses, and call for production of books and papers, in administration of Cotton Futures Act, Grain Standards Act, Warehouse Act, Standard Container Act, and agricultural appropriation acts.

That hereafter, in the performance of the duties required of the Bureau of Markets in the administration or enforcement of provisions of Acts (United States Cotton Futures Act, Thirty-ninth Statutes at Large, page 476; United States Grain Standards Act, Thirty-ninth Statutes at Large, page 482; United States Warehouse Act, Thirty-ninth Statutes at Large, page 486; Standard Container Act, Thirty-ninth Statutes at Large, page 673; and the Acts making annual appropriations for the Department of Agriculture) relating to the Department of Agriculture, the Secretary of Agriculture, or any representative specifically authorized in writing by him for the purpose, shall have power to administer oaths, examine witnesses, and call for the production of books and papers. (41 Stat. 267.)

This was a provision of the agricultural appropriation act for the fiscal year 1920, cited above.

A similar provision but without the word "hereafter," and limited in its effect to the preceding fiscal year, was contained in the similar act for that year. A provision of the similar act for the fiscal year 1918, Act March 4, 1917, ch. 179, 39 Stat. 1163, that "hereafter, in the performance of duties required of the Department of Agriculture by the provision of this Act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, examine witnesses, and call for production of books and papers," was superseded by this provision.

The Cotton Futures Act of August 11, 1916, ch. 313, Part A, mentioned in this provision, is set forth, *post*, secs. 379-399.

The Grain Standards Act of August 11, 1916, ch. 313, Part B, mentioned in this provision, is set forth, *post*, secs. 291-302.

The Warehouse Act of August 11, 1916, ch. 313, Part C, mentioned in this provision, is set forth, *post*, secs. 315-347.

The Standard Container Act of August 31, 1916, ch. 426, mentioned in this provision, is set forth, *post*, secs. 303-308.

Sec. 87. (Act February 26, 1923, ch. 112.) Certificates of agents of Department of Agriculture as to condition of perishable farm products *prima facie* evidence in courts.

For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, poultry, butter, hay, and other perishable farm products offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as *prima facie* evidence of the truth of the statements therein contained. (42 Stat. 1313.)

These provisions were contained in the agricultural appropriation act for the fiscal year 1924, cited above. Similar provisions were contained in the similar appropriation acts for the four preceding fiscal years.

Sec. 88. (Act March 4, 1921, ch. 171, sec. 1.) Lease to Washington Market Company annulled; ownership, etc., of grounds, buildings, etc., transferred to Government.

That it is hereby declared to be the desire, purpose and intent of the United States to annul and hold for naught the lease made by Congress to the Washington Market Company, of reservation numbered seven, in the District of Columbia, and to take over unto its own ownership, use, occupancy and control the said grounds and buildings and improvements thereon and therein now held and occupied by the said market company and its tenants under authority of an Act approved May 20, 1870, entitled "An Act to incorporate the Washington Market Company," and Acts or laws amendatory thereof or supplemental thereto. (41 Stat. 1441.)

This section and the eight sections next following were an act entitled "An act to repeal and annul certain parts of the charter and lease granted and made to the Washington Market Co. by Act of Congress entitled 'An Act to incorporate the Washington Market Company.'" cited above.

The act mentioned in this section is Act March 20, 1870, ch. 108, 16 Stat. 124.

Sec. 89. (Act March 4, 1921, ch. 171, sec. 2.) Appropriation of and payment for grounds, buildings, etc.; possession and control vested in Secretary of Agriculture; rules and regulations for management and control; restrictions on leases; property in rents and storage charges to be determined by time property is taken over by United States; expenditures authorized for services and materials for operation or maintenance of property; report to Congress.

That all of said market grounds and buildings, together with all improvements thereon and therein, shall be surrendered by the market company and taken over by and appropriated to and for the United States on the date of the payment to the said market company of a sum of money equal to 75 per centum of the amount of the award hereinafter provided, which said payment shall be made upon the filing of the award by the commission to be appointed as hereinafter provided, and the remainder of said award, with interest thereon at the rate of 5 per centum per annum until paid, shall be paid to the said market company at the expiration of thirty days thereafter unless an appeal is noted to the Court of Appeals of the District of Columbia, as hereinafter provided; and, in the event of such appeal, the balance unpaid of the award as finally determined shall be paid to the said market company within twenty days from the date judgment is rendered by said court of appeals, with interest thereon as hereinbefore provided.

Upon securing possession of said premises, and, until otherwise directed by Congress, the complete possession and control of said grounds, buildings and improvements shall, for the benefit of the United States, vest in the Secretary of Agriculture, who shall first reserve so much of the grounds and space in said buildings as he may deem necessary for the use of the United States; and, after such reservation shall have been made, and until Congress shall otherwise direct, any remaining portion or portions of the said grounds, buildings or improvements may be rented by the Secretary of Agriculture

to the present tenants or to any other person or persons for such rental as may be agreed upon by the parties; but, in no event, shall any part of the premises be subleased by the tenant. The Secretary of Agriculture is hereby empowered and directed to make and enforce such rules and regulations for the management and control of the said property as he may deem best for the enforcement of the provisions of said Act.

The said Secretary shall not make or enter into any lease for any part of said premises for a longer period than one year, and all such leases and contracts shall be subject to cancellation and annulment by Congress at any time; and all revenues derived from said premises shall be the property of the United States. The rents and storage charges which are due or may become due to the market company up to the date of the taking over by the United States, but which remain unpaid at the time the property is taken over by the United States, shall belong to the market company; but if any rents or storage charges have been paid to the market company, on account of said reservation numbered seven, for any period terminating on a date later than that of the taking over of the property by the United States, the market company shall account to and pay to the United States the proportion of such rents and storage charges which the unexpired portion of the period bears to the whole period for which payment has been so made. Nothing herein shall be so construed as to relieve the market company of its liability for rentals, imposed by existing law, for any part of the period during which the property remains in the possession of the market company. Neither shall the market company be released from the payment of any taxes owing by them on account of said reservation numbered seven, when taken over by the United States under the terms of this Act; but the said market company shall not be chargeable with or liable for rental or taxes beyond the date of the taking over of said property.

The Secretary of Agriculture is hereby authorized, out of appropriations made by Congress from time to time for that purpose, to employ such persons and purchase such materials as may be essential to the operation or maintenance of said property and for the proper management and control thereof; and he shall render a detailed report to Congress at the beginning of each regular term thereof of all revenues derived from and expenditures made on the said property. (41 Stat. 1441.)

See note to preceding section.

Sec. 90. (Act March 4, 1921, ch. 171, sec. 3.) Commission for appraisement of buildings and improvements; eligibility and qualifications of commissioners.

That the President of the United States, as soon as is practicable after the approval of this Act, shall appoint a commission composed of three disinterested men, not more than one of whom shall be a resident of the District of Columbia, to appraise the said buildings and improvements thereon and therein which were erected or made at the expense of the Washington Market Company, and which stand and remain upon said reservation; the valuation thereof to be determined as of the date of filing said award; and the finding of a majority of said commission shall constitute the award. Any member of the commission who may dissent from the award made by

the majority thereof shall make a minority report in writing, which shall be filed with the award and made part of the record to be considered by the court of appeals, if an appeal be taken as herein-after provided. A copy thereof shall be delivered to the market company at the same time and place that the award is delivered.

No one shall be appointed on said commission if he be either a Member of Congress or an ex-Member thereof; nor if he be an officer or employee of the United States; nor if he be a stockholder in, or the owner or pledgee of any bond of the market company; nor if he be a creditor or debtor of the said market company or of any officer or stockholder thereof; nor if he be an officer or stockholder of any corporation which is either a creditor or debtor of any officer or stockholder of the market company; nor if he be, directly or indirectly, interested financially in the market company, any of its officers, stockholders or bondholders; nor if he be a tenant, lessee, bailee or bailor of the market company; nor if he be the owner or pledgee of any bond or of any of the capital stock of the market company; nor if he be an officer, agent, employee, tenant, bailee or bailor of any firm, copartnership or corporation which is a tenant, bailee or bailor of the market company; nor if he be attorney for any of the aforesaid.

Before entering upon the discharge of his duties, each member of said commission shall make oath before a justice of the Supreme Court of the District of Columbia to faithfully and impartially perform his duties according to law; and, at the same time, that he is qualified under the provisions of this section, which oath shall be spread upon the order book of said court. (41 Stat. 1442.)

See note to section 1 of this act, *ante*, sec. 88.

Sec. 91. (Act March 4, 1921, ch. 171, sec. 4.) Appraisement commission empowered to compel testimony; award; appeal.

That the said commission shall have power, and it shall be its duty, to subpoena witnesses, with or without books or papers, before it for either of the parties, and to require such witnesses to testify under oath administered by the chairman of said commission or by any one authorized to administer oaths. Said commission shall give each party a full hearing on the question of what is a fair and just valuation of the buildings and improvements erected and made at the expense of the said market company on said premises, and remaining thereon when the award is made. And the commission shall daily furnish to the Attorney General and to the market company a stenographic copy of each day's proceedings.

Thereafter the said commission shall fix the amount to be awarded as a fair and just valuation of the buildings and improvements erected and made on said premises at the expense of the said market company and remaining thereon when the award is made; and the award of the commission, together with the record and evidence on which the same is based, shall, within six months from the date of the appointment and qualification of the members thereof, be filed in the office of the clerk of the Court of Appeals of the District of Columbia, and copies of said award and minority report or finding, if any, together with said record and evidence, shall, on the day of the filing thereof, be delivered by said commission to the Attorney

See note to section 1 of this act, *ante*, sec. 88.

General of the United States and to the market company at its principal place of business in the District of Columbia.

If either party be dissatisfied with the amount of the award, such dissatisfied party may take an appeal to the Court of Appeals of the District of Columbia by noting in the office of the clerk of the court of appeals an appeal therefrom within thirty days after the filing of said award, and perfect the said appeal within sixty days thereafter by filing the entire record, or a copy thereof, certified by the chairman or any two members of said commission, and filing it in the office of the clerk of the Court of Appeals of the District of Columbia, which court is hereby vested with jurisdiction to hear and determine such appeal, and may revise the amount of the award as shall be just; and the judgment rendered by said court shall be final. (41 Stat. 1442.)

See note to section 1 of this act, *ante*, sec. 88.

Sec. 92. (Act March 4, 1921, ch. 171, sec. 5.) Judicial proceedings to compel testimony.

That it shall be the duty of the Supreme Court of the District of Columbia, by contempt proceedings or otherwise, to compel witnesses to obey the subpoenas hereinbefore provided for; to produce all records, and to testify before said commission, and generally to require observance of all reasonable rules and regulations adopted by the said commission. (41 Stat. 1443.)

See note to section 1 of this act, *ante*, sec. 88.

Sec. 93. (Act March 4, 1921, ch. 171, sec. 6.) Appropriation for payment of award, etc.

That a sufficient sum of money is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed by the President, to pay said award and interest and to compensate the members of said commission and a secretary and stenographer thereof to be chosen by said commission: *Provided*, That the total compensation made the members of the commission and the secretary thereof, including the stenographer and necessary expenses, shall not exceed \$35,000. (41 Stat. 1443.)

See note to section 1 of this act, *ante*, sec. 88.

Sec. 94. (Act March 4, 1921, ch. 171, sec. 7.) Department of Justice attorneys to represent United States.

That it shall be the duty of the Attorney General to assign one or more of the attorneys in the Department of Justice to represent the interests of the United States before said commission and before the court of appeals, if an appeal should be prosecuted thereto and, generally, to represent the United States in all steps and proceedings looking to the enforcement of this Act. (41 Stat. 1443.)

See note to section 1 of this act, *ante*, sec. 88.

Sec. 95. (Act March 4, 1921, ch. 171, sec. 8.) Ejectment of lessees guilty of overcharging, extortion, profiteering, etc.; no recourse on ejectment; lease or storage contracts to contain such provision; offending lessees or bailors to be thereafter barred; definitions.

That if, at any time, the Secretary of Agriculture, or his successor in charge of said reservation, should become satisfied that any lessee of said reservation, or any part thereof, or any person having property stored thereon, is guilty of overcharging, extortion, profiteering or making any unconscionable bargain or sale he is hereby empowered and directed to cause such person, together with his goods and

wares, to be ejected therefrom; and, further, forever afterwards denied the privilege of trading or being employed therein in any capacity whatever. The right or authority of the Secretary of Agriculture, or his successor in control of said reservation, to summarily and forthwith eject therefrom, as aforesaid, and to cancel the lease or contract of storage—either or both—without recourse to any judicial tribunal, of any person so offending is hereby made specific and mandatory. And no contract of lease or for storage shall be made or entered into by the said Secretary, or his successor, without such a provision being incorporated therein and agreed to by the lessee or bailor. If any such offending lessee or bailor be a firm, joint-stock company, copartnership or corporation, no member of, or stockholder in, any such concern shall be permitted thereafter to trade in said reservation or to store any article of merchandise or commerce therein.

The words "lessee," "bailor," "bailee" and "person" used herein, shall, for the purposes of this Act, be construed to include any firm, copartnership, joint-stock company and corporation. (41 Stat. 1443.)

See note to section 1 of this act, *ante*, sec. 88.

Sec. 96. (Act March 4, 1921, ch. 171, sec. 9.) Repeal of conflicting laws.

That all laws and Acts, or parts of laws or Acts, to the extent that they are in conflict herewith are hereby repealed. (41 Stat. 1444.)

See note to section 1 of this act, *ante*, sec. 88.

Sec. 96a. (Act February 26, 1923, ch. 119.) Purchase of supplies and equipment for Center Market not subject to award by General Supply Committee.

That the Secretary of Agriculture may purchase necessary supplies and equipment for use at Center Market, without regard to awards made by General Supply Committee. (42 Stat. 1320.)

This was a provision of the agricultural appropriation act for the fiscal year 1924, cited above.

Sec. 97. (Act August 2, 1886, ch. 840, sec. 14.) Secretary of Agriculture a member of board of appeals from decisions of Commissioner of Internal Revenue as to deleterious ingredients of substances in imitation of butter.

The Commissioner [of Internal Revenue] may also decide whether any substance made in imitation or semblance of butter, and intended for human consumption, contains ingredients deleterious to the public health; but in case of doubt or contest his decisions in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Commissioner of Agriculture; and the decisions of this board shall be final in the premises. (24 Stat. 212.)

This was a provision of a section of an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," cited above.

The Department of Agriculture was made an executive department, under a Secretary of Agriculture, by Act February 9, 1889, ch. 122, *ante*, secs. 2-5, and the Secretary was authorized and directed to perform all the duties named in all acts of Congress in force on February 8, 1889, to be performed by the Commissioner of Agriculture, by a provision of Act July 14, 1890, ch. 707, *ante*, sec. 6.

Sec. 98. (Act June 6, 1896, ch. 337, sec. 15.) Secretary of Agriculture a member of board of appeals from decisions of Commissioner of Internal Revenue as to deleterious ingredients of filled cheese.

That the Commissioner of Internal Revenue is authorized to have applied scientific tests, and to decide whether any substances used in the manufacture of filled cheese contain ingredients deleterious to health. But in case of doubt or contest his decision in this class of cases may be appealed from to a board hereby constituted for the purpose, and composed of the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, and the decision of this board shall be final in the premises. (29 Stat. 256.)

This was a section of an act entitled "An act defining cheese, and also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of 'filled cheese,'" cited above.

Sec. 99. (Act March 4, 1913, ch. 147, sec. 22.) Secretary of Agriculture a member of a commission to acquire lands for connecting of Potomac Park with the Zoological and Rock Creek Park in the District of Columbia.

That for the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park, a commission, to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such land and premises as are not now the property of the United States in the District of Columbia shown on the map on file in the office of the Engineer Commissioner of the District of Columbia, dated May seventeenth, nineteen hundred and eleven, and lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, between the Zoological Park and Potomac Park. (37 Stat. 885.)

This was a provision of the public buildings act of March 4, 1913, cited above.

Sec. 100. (Act December 23, 1913, ch. 6, sec. 2.) Secretary of Agriculture a member of the Federal Reserve Bank Organization Committee.

As soon as practicable, the Secretary of the Treasury, the Secretary of Agriculture and the Comptroller of the Currency, acting as "The Reserve Bank Organization Committee," shall designate not less than eight nor more than twelve cities to be known as Federal reserve cities, and shall divide the continental United States, excluding Alaska, into districts, each district to contain only one of such Federal reserve cities. (38 Stat. 251.)

This was a provision of an Act entitled "An Act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes," cited above.

The duties and authority of the organization committee mentioned in this provision were prescribed in further provisions of this act, omitted here.

Sec. 101. (Act August 29, 1916, ch. 418, sec. 2.) Secretary of Agriculture a member of the Council of National Defense; duties of Council, recommendations to heads of departments; reports to heads of departments.

That a Council of National Defense is hereby established, for the coordination of industries and resources for the national security

and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, methods and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies

going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however,* That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized. (39 Stat. 649.)

This was a section of the Army appropriation act for the fiscal year 1917. cited above.

Sec. 102. (Act February 23, 1917, ch. 114, sec. 6.) Secretary of Agriculture a member of the Federal Board for Vocational Education; studies, investigations, and reports for aiding States in agricultural instruction; cooperation with Department of Agriculture in such studies, etc.

That a Federal Board for Vocational Education is hereby created, to consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the United States Commissioner of Education, and three citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate. One of said three citizens shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, and one a representative of labor. The board shall elect annually one of its members as chairman. In the first instance, one of the citizen members shall be appointed for one year, one for two years, and one for three years, and thereafter for three years each. The members of the board other than the members of the Cabinet and the United States Commissioner of Education, shall receive a salary of \$5,000 per annum.

The board shall have power to cooperate with State boards in carrying out the provisions of this Act. It shall be the duty of the Federal Board for Vocational Education to make, or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home management, domestic science, and the study of related facts and principles; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

When the Board deems it advisable such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, may be made in cooperation with or through the Depart-

ment of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, may be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, may be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects, may be made in cooperation with or through the Bureau of Education.

The Commissioner of Education may make such recommendations to the board relative to the administration of this Act as he may from time to time deem advisable. It shall be the duty of the chairman of the board to carry out the rules, regulations, and decisions which the board may adopt. The Federal Board for Vocational Education shall have power to employ such assistants as may be necessary to carry out the provisions of this Act. (39 Stat. 932.)

This was a section of an Act entitled "An Act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," cited above.

A permanent annual appropriation to the Federal Board for Vocational Education for the purpose of making or cooperating in making the studies, investigations, and reports, provided for in this section, was made, and further provisions relating to the powers, duties, and functions of the board created by this section, were contained in the succeeding sections of this act, and in Act June 27, 1918, ch. 107, 40 Stat. 617.

Sec. 103. (Act June 27, 1918, ch. 107, sec. 5.) Cooperation of departments, etc., with Federal Board for Vocational Education in studies, investigations, and reports regarding vocational rehabilitation of persons disabled in the military or naval services.

That it shall also be the duty of the board to make or cause to have made studies, investigations, and reports regarding the vocational rehabilitation of disabled persons and their placement in suitable or gainful occupations. When the board deems it advisable, such studies, investigations, and reports may be made in cooperation with or through other departments and bureaus of the Government, and the board in its discretion may cooperate with such public or private agencies as it may deem advisable in performing the duties imposed upon it by this Act. (40 Stat. 618.)

This was a section of an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," cited above.

The "board" referred to in this section is the Federal Board for Vocational Education created by Act February 23, 1917, ch. 114, sec. 6, *ante*, sec. 102.

Sec. 104. (Act June 10, 1920, ch. 285, sec. 1.) Secretary of Agriculture designated member of Federal Water Power Commission.

That a commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to as the commission), which shall be composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal.

which shall be judicially noticed. The President shall designate the chairman of the commission. (41 Stat. 1063.)

This was a section of an act entitled "An act to create a Federal Power Commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," cited above.

Further provisions, omitted here, relating to the commission mentioned in this section, and its powers and authority, were contained in the succeeding sections of this act. A provision of section 2 of this act for the performance of the work of the commission by and through certain executive departments, including the Department of Agriculture, is set forth, *post*, sec. 105; and provisions of section 4 of this act for cooperation with the executive departments in certain investigations of the commission, are set forth, *post*, sec. 106.

Sec. 105. (Act June 10, 1920, ch. 285, sec. 2.) Work of Federal Power Commission to be performed by specified departments, including Department of Agriculture.

The work of the commission shall be performed by and through the Departments of War, Interior, and Agriculture and their engineering, technical, clerical, and other personnel except as may be otherwise provided by law. (41 Stat., 1063.)

See note to preceding section.

Sec. 106. (Act June 10, 1920, ch. 285, sec. 4.) Cooperation of Federal Power Commission with executive departments in certain investigations.

That the commission is hereby authorized and empowered—

(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water power industry and its relation to other industries and to interstate or foreign commerce, and concerning the location, capacity, development costs, and relation to markets of power sites, and whether the power from Government dams can be advantageously used by the United States for its public purposes, and what is a fair value of such power, to the extent the commission may deem necessary or useful for the purposes of this Act.

* * * * *

(b) To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the commission, to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations. (41 Stat. 1065.)

See section 1 of this act and notes thereto, *ante*, sec. 104.

Sec. 106a. (Act April 5, 1918, ch. 45, sec. 1, as amended by Act August 23, 1921, ch. 80, sec. 2.) Secretary of Agriculture a member of War Finance Corporation.

That the Secretary of the Treasury, the Secretary of Agriculture, and four additional persons (who shall be the directors first appointed as hereinafter provided) are hereby created a body corporate and politic in deed and in law by the name, style, and title of the War Finance Corporation (herein called the Corporation), and shall

have succession for a period of ten years: *Provided*, That except as otherwise provided by this Act the Corporation shall not exercise any of the powers conferred by this Act except such as are incidental to the liquidation of its assets and the winding up of its affairs, after July 1, 1922. (40 Stat. 506; 42 Stat. 181.)

This was a section of the War Finance Corporation act of April 5, 1918, ch. 45, sec. 1, cited above, as amended by act August 23, 1921, ch. 80, sec. 2, also cited above.

Sec. 107. (Act July 1, 1902, ch. 1370, sec. 5.) Detail by Secretary of Agriculture of Bureau of Animal Industry expert as member of Advisory Board for the Hygienic Laboratory, Public Health and Marine Hospital Service.

That there shall be an advisory board for the hygienic laboratory provided by the Act of Congress approved March third, nineteen hundred and one, for consultation with the Surgeon-General of the Public Health and Marine-Hospital Service relative to the investigations to be inaugurated, and the methods of conducting the same, in said laboratory. Said board shall consist of three competent experts, to be detailed from the Army, the Navy, and the Bureau of Animal Industry by the Surgeon-General of the Army, the Surgeon-General of the Navy, and the Secretary of Agriculture, respectively, which experts, with the director of the said laboratory, shall be ex officio members of the board, and serve without additional compensation. (32 Stat. 713.)

These were provisions of an act entitled "An act to increase the efficiency and change the name of the United States Marine Hospital Service," cited above. Other provisions of the section, omitted here, relate to five other members of the advisory board not in regular Government employment.

Act March 3, 1901, ch. 853, sec. 1, 31 Stat. 1137, referred to in this section, provided for a building for a laboratory for the Marine Hospital Service.

Sec. 108. (Act July 17, 1916, ch. 245, sec. 3.) Distribution through Department of Agriculture of bulletins and circulars of Federal Farm Loan Board.

It shall be the duty of the Federal Farm Loan Board to prepare from time to time bulletins setting forth the principal features of this Act and through the Department of Agriculture or otherwise to distribute the same, particularly to the press, to agricultural journals, and to farmers' organizations; to prepare and distribute in the same manner circulars setting forth the principles and advantages of amortized farm loans and the protection afforded debtors under this Act, instructing farmers how to organize and conduct farm loan associations, and advising investors of the merits and advantages of farm loan bonds; and to disseminate in its discretion information for the further instruction of farmers regarding the methods and principles of cooperative credit and organization. Said board is hereby authorized to use a reasonable portion of the organization fund provided in section thirty-three of this Act for the objects specified in this paragraph, and is instructed to lay before the Congress at each session its recommendations for further appropriations to carry out said objects. (39 Stat. 361.)

This was a paragraph of the Federal farm loan act, cited above.

Sec. 109. (Res. April 12, 1892, No. 8.) Facilities for research and illustration in the Department of Agriculture accessible to scientific investigators and to students.

Whereas, large collections illustrative of the various arts and sciences and facilitating literary and scientific research have been accumulated by the action of Congress through a series of years at the national capital; and

Whereas it was the original purpose of the Government thereby to promote research and the diffusion of knowledge, and is now the settled policy and present practice of those charged with the care of these collections specially to encourage students who devote their time to the investigation and study of any branch of knowledge by allowing to them all proper use thereof; and

Whereas it is represented that the enumeration of these facilities and the formal statement of this policy will encourage the establishment and endowment of institutions of learning at the seat of Government, and promote the work of education by attracting students to avail themselves of the advantages aforesaid under the direction of competent instructors: Therefore,

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the facilities for research and illustration in the following and any other Governmental collections now existing or hereafter to be established in the city of Washington for the promotion of knowledge shall be accessible, under such rules and restrictions as the officers in charge of each collection may prescribe, subject to such authority as is now or may hereafter be permitted by law, to the scientific investigators and to students of any institution of higher education now incorporated or hereafter to be incorporated under the laws of Congress or of the District of Columbia, to wit:

* * * * * *

Seven. Of the Department of Agriculture. (27 Stat. 395.)

This was a portion of a resolution entitled "Joint resolution to encourage the establishment and endowment of institutions of learning at the national capital by defining the policy of the Government with reference to the use of its literary and scientific collections by students." cited above.

The portion of the resolution, omitted here as indicated, was an enumeration of other branches and establishments of the Government.

Facilities for study and research in the Government departments shall be afforded to scientific investigators and to qualified individuals, students, and graduates of institutions of learning, by Act March 3, 1901, ch. 831, *post*, sec. 1124.

Sec. 110. (R. S. sec. 528.) Annual and special reports by the Secretary of Agriculture.

The Commissioner of Agriculture shall annually make a general report in writing of his acts to the President and to Congress, in which he may recommend the publication of papers forming parts of or accompanying his report, which shall also contain an account of all moneys received and expended by him. He shall also make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

Act May 15, 1862, ch. 72, sec. 3, 12 Stat. 387.

The Secretary of Agriculture was authorized and directed to perform all the duties of the Commissioner named in acts of Congress in force February 8, 1889, by a provision of Act July 14, 1890, ch. 707, *ante*, sec. 6.

Provisions for the printing and distribution of the annual reports of the Secretary of Agriculture and of the Weather Bureau and the Bureau of Animal Industry were made by Act January 12, 1895, ch. 23, sec. 73, *post*, section 111.

Provisions applicable to all the departments, relating to annual reports to Congress, their contents, and the time of making the same, and the time of furnishing copies thereof to the printer, are set forth, *post*, secs. 1132-1138.

General provisions for the submission to Congress of statements of receipts and expenditures, together with the estimates of appropriations, expenditures, and receipts, and for the duties of heads of departments in respect thereto, are set forth, *post*, secs. 1139-1194.

Sec. 111. (Act January 12, 1895, ch. 23, sec. 73.) Printing and binding of documents and reports; number and allotment; **Annual Report of Secretary of Agriculture; Report of Bureau of Animal Industry; Report of Weather Bureau.**

Extra copies of documents and reports shall be printed promptly when the same shall be ready for publication, and shall be bound in paper or cloth as directed by the Joint Committee on Printing, and shall be of the number following in addition to the usual number:

The Annual Report of the Secretary of Agriculture shall hereafter be submitted and printed in two parts, as follows: Part one, which shall contain purely business and executive matter which it is necessary for the Secretary to submit to the President and Congress; part two, which shall contain such reports from the different bureaus and divisions, and such papers prepared by their special agents, accompanied by suitable illustrations as shall, in the opinion of the Secretary, be specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the Department for their information. There shall be printed of part one, one thousand copies for the Senate, two thousand copies for the House, and three thousand copies for the Department of Agriculture; and of part two, one hundred and ten thousand copies for the use of the Senate, three hundred and sixty thousand copies for the use of the House of Representatives, and thirty thousand copies for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture; and the title of each of the said parts shall be such as to show that such part is complete in itself: *Provided*, That one edition of seventy-five thousand copies of the Special Report on Diseases of the Horse be printed, of which fifty thousand copies shall be for the use of the House of Representatives, and twenty-five thousand copies for the use of the Senate.

Of the Report of the Bureau of Animal Industry, thirty thousand copies, of which seven thousand shall be for the Senate, fourteen thousand for the House, and nine thousand for distribution by the Agricultural Department.

Of the Annual Report of the Chief of the Weather Bureau, four thousand copies; one thousand copies for the Senate, two thousand copies for the House, and one thousand copies for the Bureau. (28 Stat. 612.)

These were provisions of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

The term "Extra copies," as used in this act, was construed to mean copies in addition to the "usual number"; and the term "usual number" refers to the number of copies, limited to 1,000, that may be ordered printed by any Committee of Congress without simple, concurrent, or joint resolution, by section 2 of this act, as amended by Act March 1, 1907, ch. 2284, sec. 1, pars. 3, 5, 34 Stat. 1012.

These provisions superseded R. S. sec. 3796, which provided that the Congressional Printer should, when so directed by the Joint Committee on the Library, print, in addition to the "usual number," either 50 or 100 copies, as directed, of all documents printed by order of either House of Congress, or any department or bureau of the Government; also R. S. sec. 3798, which provided for the printing and binding, in addition to the "usual number," of a certain enumerated number of certain enumerated documents, including "the annual reports of the executive departments."

Annual appropriations are made for printing and binding for the Department of Agriculture, including the annual report of the Secretary, as required by these provisions. The appropriation for the fiscal year 1924 was made by the agricultural appropriation act of February 26, 1923, ch. 119, 42 Stat. 1291.

The Secretary of Agriculture may print such number of copies of the monthly crop report, and of other reports and bulletins containing not to exceed one hundred octavo pages, as he shall deem requisite, and maps, charts, bulletins, and minor reports of the Weather Bureau may be printed in such numbers as the Secretary of Agriculture may deem for the best interests of the Government, by a provision of section 89 of this act, *post*, sec. 118.

The printing of an annual report on the work and expenditures of the agricultural experiment stations, on the work and expenditures of the Department of Agriculture in connection therewith, and on the cooperative agricultural extension work and expenditures of the Department of Agriculture and of agricultural colleges, was provided for by Act March 4, 1915, ch. 144, *post*, sec. 127.

Provision for the printing annually of the Report on the Field Operations of the Division of Soils was made by Res. February 23, 1901, No. 8, *post*, sec. 128.

Provision for the printing annually of the report on the progress of the beet sugar industry was made by Res. June 30, 1906, No. 51, *post*, sec. 129.

Sec. 112. (Act June 30, 1906, ch. 3913.) Farmers' bulletins; adaptation; allotment to Members of Congress; notification by Secretary of Agriculture; title on face of envelope; disposition of Congressional quotas not called for.

Publications, Department of Agriculture: General Expenses, Division of Publications: * * * for the preparation, printing, and distribution of farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as such Senators, Representatives, or Delegates in Congress shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators, Representatives, and Delegates in Congress of the title and character of each such bulletin, with the total number to which each Senator, Representative, and Delegate may be entitled for such distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: *Provided further*, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the thirty-first day of May in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution or in making up Congressional quotas for the next fiscal year. (34 Stat. 690).

These were provisions of the agricultural appropriation act for the fiscal year 1907, cited above. Similar provisions were made in the agricultural

appropriation acts for previous fiscal years, beginning with that for 1895. For the fiscal years 1908 to 1922, inclusive, appropriations for Farmers' bulletins were made in terms substantially the same as here set forth, but without the provisos, in the sundry civil appropriation acts. For the fiscal years 1923 and 1924 such appropriations were made in the agricultural appropriation acts. The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, c. 119, is set forth, *post*, sec. 113.

Sec. 113. (Act February 26, 1923, ch. 119.) Farmers' bulletins; adaptation; allotment to Members of Congress.)

For all printing and binding for the Department of Agriculture,
* * * including not to exceed \$250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal portion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct. (42 Stat. 1291.)

This was a provision of the agricultural appropriation act for the fiscal year 1924, cited above.

See sec. 112, *ante*, and note thereto.

Sec. 114. (Act March 4, 1909, ch. 301.) Monthly crop reports; time of issue; contents; approval by Secretary of Agriculture; time of issue of condition reports of cotton crop.

That hereafter the monthly crop reports, which shall be gathered as far as practicable from practical farmers, and which shall be issued on or before the tenth of each month, shall embrace statements of the conditions of crops by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published: *Provided further*, That hereafter the condition reports of the cotton crop shall be issued on the same day in October each year as the first ginner's report of actual cotton ginned. (35 Stat. 1053.)

These were provisions of the agricultural appropriation act for the fiscal year 1910, cited above. Similar provisions relating to the monthly crop reports but without the word "hereafter," were contained in the similar acts for the seventeen preceding fiscal years. Provisos relating to the condition reports of the cotton crop, in nearly the same language, but also without the word "hereafter," were contained in the similar acts for the three preceding fiscal years.

The monthly crop report is to be printed and distributed on or before the twelfth day of each month by a provision of Act March 4, 1917, ch. 179, *post*, sec. 115.

The monthly crop report may be printed in such numbers of copies as the Secretary of Agriculture may deem requisite, by a provision of Act January 12, 1895, ch. 23, sec. 89, *post*, sec. 118.

Sec. 115. (Act March 4, 1917, ch. 179.) Monthly crop report: time for printing and distribution.

That hereafter the Monthly Crop Report shall be printed and distributed on or before the twelfth day of each month. (39 Stat. 1157.)

This was a provision of the agricultural appropriation act for the fiscal year 1918, cited above.

This provision is amendatory of a provision that the monthly crop reports "shall be issued on or before the tenth of each month," in Act March 4, 1909, ch. 301, *ante*, sec. 114.

Sec. 116. (R. S. sec. 1712, as amended by Act June 18, 1888, ch. 393.) Report by consuls on agricultural and horticultural industries, etc., in foreign countries for use of Department of Agriculture; information to be embodied in monthly bulletin of crop reports.

Consuls and commercial agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character and in such manner and form and at such times as the Department may from time to time prescribe. And they shall also procure and transmit to the Department of State, for the use of the Agricultural Department, monthly reports relative to the character, condition, and prospective yields of the agricultural and horticultural industries and other fruiteries of the country in which they are respectively stationed; and the Commissioner of Agriculture is hereby required and directed to embody the information thus obtained, or so much thereof as he may deem material and important, in his monthly bulletin of crop reports.

Act August 18, 1856, ch. 170, sec. 2, 11 Stat. 139. Act June 18, 1888, ch. 393, 25 Stat. 186.

This section, as enacted in the Revised Statutes, contained only the provisions requiring consuls and commercial agents to procure and transmit commercial information. The further provision requiring procuring and transmission, for the use of the agricultural department, monthly reports relative to yields of agricultural and horticultural industries, etc., and requiring such information to be embodied in the monthly bulletin of crop reports of the Department of Agriculture, was added in the section as amended by Act June 18, 1888, ch. 393, cited above.

The words, "and commercial agents," were superseded by the abolition of the grade of commercial agent by Act April 5, 1906, ch. 1366, sec. 3, 23 Stat. 100.

The words, "Commissioner of Agriculture," were superseded by the act establishing the Department of Agriculture as an Executive Department, under a Secretary of Agriculture, Act February 9, 1889, ch. 122, *ante*, secs. 2-5; and the Secretary of Agriculture was to perform all the duties formerly required to be performed by the Commissioner of Agriculture, by Act July 14, 1890, ch. 707, *ante*, sec. 6.

Sec. 117. (R. S., sec. 1713, as amended by Act June 18, 1888, ch. 393.) Reports by consuls as to agricultural implements and agricultural and horticultural pursuits in foreign countries, for use of Department of Agriculture; information to be embodied in annual reports.

Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is situated; and he shall also furnish to the Secretary of the Treasury, at least once in twelve months, the prices current of all articles of merchandise, including those of the farm, the garden, and the orchard, that are imported through the port or place in which he is stationed. And he shall also report as to the character of agricultural implements in use, and whether they are imported to or manufactured in that country; as to the character and extent of agricultural and horticultural pursuits there. That part of the information thus obtained which pertains to agriculture shall be transmitted by the Secretary of the Treasury, as soon as the same shall have been received by him, to the Commissioner of Agriculture, who shall include the same, or so much thereof as he may deem material and important, in his annual reports, stating the said prices in dollars and cents, and rendering tables of foreign weights and measures into their American equivalents.

Act August 18, 1856, ch. 127, sec. 27, 11 Stat. 62. Act June 18, 1888, ch. 393, 25 Stat. 186.

This section, as enacted in the Revised Statutes, contained only the provision requiring every consular officer to report prices current of all articles of merchandise exported to the United States from the place at which he was situated. Further provisions, beginning with the words, "and he shall also furnish to the Secretary of the Treasury," to the end of the section, were added by Act June 18, 1888, ch. 393, cited above.

See note to R. S. sec. 1712, *ante*, sec. 116, as to change of the designation of "Commissioner of Agriculture."

Sec. 118. (Act January 12, 1895, ch. 23, sec. 89.) Number of copies to be printed of monthly crop report and other reports and bulletins; maps, charts, bulletins, and minor reports of Weather Bureau.

The Secretary of Agriculture may print such number of copies of the monthly crop report, and of other reports and bulletins containing not to exceed one hundred octavo pages, as he shall deem requisite; and this provision shall apply to the maps, charts, bulletins, and minor reports of the Weather Bureau, which shall be printed in such numbers as the Secretary of Agriculture may deem for the best interests of the Government. (28 Stat. 622.)

This was a proviso annexed to provisions limiting the number of copies to be printed of reports, etc., of the executive departments, made by an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

For provisions relating to the time of issue of the monthly crop reports, see provisions of Acts March 4, 1909, ch. 301, and March 4, 1907, ch. 179, *ante*, secs. 114, 115.

Sec. 119. (Act May 27, 1912, ch. 135, sec. 1.) Annual reports of number of acres of cotton in cultivation.

That the Secretary of Agriculture be directed to cause the Bureau of Statistics of the Department of Agriculture to issue a report, on or about the first Monday in July of each year, showing by States and in total the number of acres of cotton then in cultivation in the United States. (37 Stat. 118.)

This section and the two sections next following were an act entitled "An act authorizing the Secretary of Agriculture to issue certain reports relating to cotton," cited above.

The duties imposed by law on the Bureau of Statistics are to be exercised and performed by the Bureau of Agricultural Economics. See secs. 11-11b, *ante*.

Sec. 120. (Act May 27, 1912, ch. 135, sec. 2.) Annual reports of total cotton production.

That the Secretary of Agriculture shall cause the Bureau of Statistics of the Department of Agriculture to issue each year, immediately following the publication of the ginning report of the Census Bureau of December first, an estimate of the total production of cotton in the United States for the current crop year. (37 Stat. 118.)

See notes to preceding section.

The ginning report of the Census Bureau, mentioned in this section, was provided for by Act July 22, 1912, ch. 249, sec. 2, *post*, sec. 122.

Sec. 121. (Act May 27, 1912, ch. 135, sec. 3.) Repeal of inconsistent acts or parts of acts.

That all Acts or parts of Acts inconsistent with the foregoing provisions be, and the same are hereby, repealed. (37 Stat. 118.)

See notes to section 1 of this act, *ante*, sec. 119.

The Secretary of Agriculture was directed to issue each year, immediately following the publication of the ginning report of the Census Bureau of December first, an estimate of the total production of cotton in the United States for the current crop year, by Act May 27, 1912, ch. 135, sec. 2, *ante*, sec. 120.

The Secretary of Agriculture was directed to issue a report, on or about the first Monday in July of each year, showing by states and in total the number of acres of cotton then in cultivation in the United States, by Act May 27, 1912, ch. 135, sec. 1, *ante*, sec. 119.

Sec. 122. (Act July 22, 1912, ch. 249, sec. 2.) Cotton statistics furnished by Director of Census to Department of Agriculture; publication.

The Director of the Census shall furnish to the Bureau of Statistics of the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the said Bureau of Statistics shall publish the same in connection with each of its reports concerning cotton. (37 Stat. 198.)

This was a provision of an act entitled "An Act authorizing the Director of the Census to collect and publish statistics of cotton," cited above. The preceding portions of the act read as follows:

"That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics concerning the amount of cotton ginned; the quantity of raw cotton consumed in manufacturing establishments of every character; the quantity of baled cotton on hand; the number of active consuming cotton spindles; and the quantity of cotton imported and exported, with the country of origin and destination.

"Sec. 2. That the statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to September first, September twenty-fifth, October eighteenth, November first, November fourteenth, December first, December thirteenth, January first, January sixteenth, and March first, and shall be published as soon as possible after these respective dates. The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, and the statistics of cotton imported and exported shall relate to each calendar month, and shall be published as soon as possible after the close of the month. Each report published by the Bureau of the Census of the quantity of cotton ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported. All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States."

A similar provision of this act, relating to information regarding cotton in foreign countries, is set forth, *post*, sec. 123.

Sec. 123. (Act July 22, 1912, ch. 249, sec. 5.) Information concerning cotton production, etc., in foreign countries furnished by Director of Census to Department of Agriculture; publication.

That in addition to the information regarding cotton in the United States hereinbefore provided for, the Director of the Census shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under the provisions of this section, and the Director of the Census shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in

the same manner as in the case of statistics relating to the United States. (37 Stat. 199.)

See sec. 122, *ante*, and notes thereto.

Sec. 127. (Act March 4, 1915, ch. 144.) Report on work and expenditures of agricultural experiment stations, and on cooperative agricultural extension work; printing and distribution of copies.

That hereafter there be prepared by the Department of Agriculture an annual report on the work and expenditures of the agricultural experiment stations established under the Act of Congress of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, page four hundred and forty), on the work and expenditures of the Department of Agriculture in connection therewith, and on the cooperative agricultural extension work and expenditures of the Department of Agriculture and of agricultural colleges under the Act of May eighth, nineteen hundred and fourteen, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Acts supplementary thereto, and the United States Department of Agriculture"; and that there be printed annually eight thousand copies of said report, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture. (38 Stat. 1110.)

These were provisions of the agricultural appropriation act for the fiscal year 1916, cited above.

Act March 2. 1887, ch. 314, mentioned herein is set forth, *post*, secs. 431-440.

Act May 8. 1914, ch. 79, also mentioned herein, is set forth, *post*, secs. 422-429.

These provisions may be regarded as superseding Res. April 27, 1904, No. 29, 33 Stat. 590, which read as follows:

"That there be printed eight thousand copies of the Report of the Director of the Office of Experiment Stations, prepared under the supervision of the Secretary of Agriculture, on the work and expenditures of that office and of the agricultural experiment stations established in the several States and Territories under the Act of Congress of March second, eighteen hundred and eighty-seven, for nineteen hundred and three, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture; and that annually hereafter a similar report shall be prepared and printed, the edition to be the same as for the report herein provided."

Sec. 128. (Res. February 23, 1901, No. 8, as amended by Res. March 14, 1904, No. 9.) Report on Field Operations, Division of Soils, Department of Agriculture; printing and distribution of copies; advance sheets.

That there shall be printed ten thousand five hundred copies of the report on field operations of the Division of Soils, Department of Agriculture, of which one thousand five hundred copies shall be for the use of the Senate, three thousand copies for the use of the House of Representatives, and six thousand copies for the use of the Department of Agriculture: *Provided*, That in addition to the number of copies above provided for there shall be printed, as soon as the manuscript can be prepared, with the necessary maps and illustrations to

accompany it, a report on each area surveyed, in the form of advance sheets, bound in paper covers, of which five hundred copies shall be for the use of each Senator from the State, two thousand copies for the use of each Representative for the Congressional district or districts in which the survey is made, and one thousand copies for the use of the Department of Agriculture. (31 Stat. 1462; 33 Stat. 583.)

This was a resolution entitled "Joint Resolution providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture," first cited above, as amended by the resolution last cited above. The resolution, as originally enacted, provided "that there be printed seventeen thousand copies of the Report on Field Operations of the Division of Soils, Department of Agriculture, for nineteen hundred, of which three thousand copies shall be for the use of the Senate, six thousand copies for the use of the House of Representatives, and eight thousand copies for the use of the Department of Agriculture, and that annually thereafter a similar report shall be prepared and printed, the edition to be the same as for the report herein provided."

Sec. 129. (Res. June 30, 1906, No. 51.) Report on progress of beet-sugar industry; printing and distribution of copies.

That there be printed twelve thousand copies of the report on the progress of the beet-sugar industry in the United States in nineteen hundred and five; one thousand copies for the use of the Senate, three thousand copies for the use of the House of Representatives, and eight thousand copies for the use of the Department of Agriculture, and that the Secretary of Agriculture be authorized to print and distribute annually hereafter eight thousand copies of such annual reports covering the progress of the beet-sugar industry: *Provided*, That the preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture. (34 Stat. 839.)

This was a resolution entitled "Joint resolution relative to the printing of twelve thousand copies of the report on the progress of the beet-sugar industry," cited above.

Sec. 130. (R. S. sec. 3677.) Secretary of Agriculture to direct and superintend expenditures of money appropriated and render accounts.

The Commissioner of Agriculture shall direct and superintend the expenditure of all money appropriated to the Department and render accounts thereof.

Act May 15, 1862, ch. 72, sec. 3, 12 Stat. 388.

The Secretary of Agriculture was authorized and directed to perform all the duties of the Commissioner of Agriculture named in acts of Congress in force February 8, 1889, by a provision of Act July 14, 1890, ch. 707, *ante*, sec. 6.

It was made the duty of the Commissioner (Secretary) of Agriculture to make a report in detail to Congress of all moneys expended by him or under his direction, by R. S. sec. 529, *post*, sec. 138.

The Commissioner of Agriculture was required to account and report to the proper accounting officers of the Treasury in the same manner and at the same time as heads of executive departments were required to account and report, by Act March 3, 1881, ch. 129, sec. 2, *post*, sec. 131. See notes thereto.

In addition to vouchers and accounts furnished to the accounting officers of the Treasury, the Secretary of Agriculture was required to present to Congress at the commencement of each regular session a detailed statement of all expenditures of the department for the last preceding fiscal year, by Act March 3, 1885, ch. 338, sec. 2, *post*, sec. 139.

Provisions of general application regarding the rendering of accounts, including their administrative examination in the departments and their settlement and adjustment in the General Accounting Office, are set forth in secs. 1195-1237, *post*.

Sec. 131. (Act March 3, 1881, ch. 129, sec. 2.) Time and manner of accounts and reports of Secretary of Agriculture.

That the Commissioner of Agriculture is hereby directed and required to account and report to the proper accounting officers of the Treasury in the same manner and at the same times as the heads of executive departments of the government are now required by law to account and report. (21 Stat. 385.)

This was a section of the agricultural appropriation act for the fiscal year 1882, cited above. A provision in the same words was contained in the similar act for the preceding fiscal year.

This section may be regarded as superseded by the establishment of the Department of Agriculture as an executive department, under a Secretary of Agriculture, Act February 9, 1889, ch. 122, *ante*, secs. 2-5.

Provisions of general application, in regard to the time and manner of rendering accounts, and their settlement and adjustment, are set forth *post*, secs. 1195-1218; and all provisions for the settlement and adjustment of accounts in the Treasury Department, including those of Act July 31, 1894, ch. 174, for distribution of such accounts of the departments, etc., among the auditors of said Department and their powers and duties in respect thereto, and particularly a provision of section 7 of said Act, *post*, sec. 1201, for examination of accounts of the Secretary and of the Department of Agriculture by the Auditor for the State and other Departments, were superseded by provisions of Act June 10, 1921, ch. 18, creating the General Accounting Office an independent establishment of the Government under the control and direction of the Comptroller General, requiring all accounts in which the Government is concerned to be settled and adjusted in said office, and abolishing the offices of the auditors of the Treasury Department and transferring their powers and duties to said General Accounting Office secs. 1195, 1197-1200, *post*.

Sec. 132. (Act August 10, 1912, ch. 284.) Purchase for bureaus, etc., from appropriation for contingent expenses of Department and reimbursement from lump-sum appropriations.

That hereafter the Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation and transfer the same at actual cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to this appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department. (37 Stat. 296.)

This was a provision, annexed to an appropriation for "Contingent Expenses, Department of Agriculture," in the agricultural appropriation act for the fiscal year 1913, cited above.

No part of the contingent fund appropriated to any Department, bureau, or office shall be applied to the purchase of any articles except such as the head of the department shall deem necessary and proper to carry on the business of the department, etc., and shall, by written order, direct to be procured, by R. S. sec. 3683, *post*, sec. 1182.

Law books, reference books, and periodicals for use of any department, at the seat of Government, shall not be purchased or paid for from any appropriation for contingent expenses unless such purchase is authorized and payment therefor specifically provided by the law granting the appropriation, by Act March 15, 1898, ch. 68, sec. 3, *post*, sec. 1183.

Executive officers, other than heads of departments, shall not apply more than \$30 annually out of the contingent fund under their control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of their offices, by R. S. sec. 1779, *post*, sec. 1184.

Moneys appropriated for contingent, etc., expenses are not to be expended for official or clerical compensation, by R. S. sec. 3682, *post*, sec. 1181.

Apportionment of appropriations for contingent expenses in monthly or other allotments so as to prevent expenditures in one portion of the year which might necessitate deficiency or additional appropriations to com-

plete the service of the fiscal year, were required, by R. S. sec. 3679, as amended by Act March 3, 1905, ch. 1484, sec. 4, *post*, sec. 1177.

Detailed statements of expenditures of sums appropriated for contingent expenses were required to be made to Congress, by R. S. sec. 193, and Act March 3, 1877, ch. 102, sec. 1, *post*, secs. 1132, 1133.

All accounts in which the Government is concerned are to be settled and adjusted in the General Accounting Office, which was created an independent establishment of the Government, by provisions of Act June 10, 1921, ch. 18, *post*, secs. 1195-1200.

Sec. 132a. (Act May 11, 1922, ch. 185.) Reimbursement of appropriation for salaries and compensation in mechanical shops.

That hereafter the Secretary of Agriculture may, by transfer settlement through the general accounting office, reimburse any appropriation made for the salaries and compensation of employees in the mechanical shops of the department from the appropriation made for the bureau, office, or division for which any work in said shops is performed, and such reimbursement shall be at the actual cost of labor for such work. (42 Stat. 508.)

This was a provision of the agricultural appropriation act for the fiscal year 1923, cited above.

Sec. 132b. (Act February 26, 1923, ch. 119.) Interchange of appropriations for miscellaneous expenses and appropriations for general expenses.

And not to exceed 10 per centum of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but not more than 10 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency, and then only upon the written order of the Secretary of Agriculture. (42 Stat. 1316.)

This was a provision of the agricultural appropriation act for the fiscal year 1924, cited above. Provisions in the same language were contained in the similar acts for the thirteen preceding fiscal years.

Sec. 133. (Act March 4, 1909, ch. 301.) Advances for subscriptions for publications for the Department of Agriculture.

That hereafter section thirty-six hundred and forty-eight of the Revised Statutes shall not apply to the subscriptions for publications for the Department of Agriculture, and the Secretary of Agriculture is authorized to pay in advance for any publications for the use of this department. (35 Stat. 1054.)

This was a provision of the agricultural appropriation act for the fiscal year 1910, cited above. Similar provisions, without the word "hereafter," were contained in the similar acts for the six preceding fiscal years.

R. S. sec. 3648, mentioned in this provision, prohibiting advances of public money, is set forth, *post*, sec. 1260.

Subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments, etc., to be required for official use, may be paid from appropriations available therefor, by Act March 4, 1915, ch. 141, sec. 5, *post*, sec. 1261.

Sec. 134. (Act June 3, 1902, ch. 985.) Advances from appropriations for Department of Agriculture.

That advances of public money from the appropriations for the Department of Agriculture shall be made by the Secretary of Agriculture only to such chiefs of field parties, agricultural explorers,

special agents, and others as shall have given bonds in such sums as the Secretary of Agriculture shall direct. (32 Stat. 303.)

This was a provision of the agricultural appropriation act for the fiscal year 1903, cited above.

Advances of public money were prohibited by R. S. sec. 3648, *post*, sec. 1260.

Sec. 135. (Act May 23, 1908, ch. 192.) Advances under appropriations for Forest Service for fighting forest fires in emergency cases.

Hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department. (35 Stat. 259.)

This was a provision of the agricultural appropriation act for the fiscal year 1909, cited above.

Advances of public money were prohibited by R. S. sec. 3648, *post*, sec. 1260.

Provisions of general application, relating to rendering of accounts and for their settlement and adjustment in the General Accounting Office, which was created an independent establishment of the Government, are set forth. *post*, secs. 1195-1218.

Sec. 136. (Act March 1, 1899, ch. 325.) Purchases or services for the Department of Agriculture.

That hereafter section thirty-seven hundred and nine of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered in the Department of Agriculture when the aggregate amount involved does not exceed the sum of fifty dollars. (30 Stat. 957.)

This was a provision of the agricultural appropriation act for the fiscal year 1900, cited above.

R. S. sec. 3709, construed by this provision, requiring that purchases and contracts for supplies or services for the Government departments be made by advertising previously for proposals, is set forth. *post*, sec. 1337.

The purchase of supplies or procurement of services outside of the District of Columbia may be made in the open market when the aggregate amount of the purchase does not exceed \$50, by Act June 12, 1917, ch. 27, sec. 1, *post*, sec. 1338a.

Sec. 137. (Act June 30, 1914, ch. 131.) Purchase of tree seed, cones, and nursery stock for national forests.

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within national forests, and for experiments and investigations necessary for such seeding and tree planting, * * * *Provided*, That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and when the cost thereof will not exceed \$500. (38 Stat. 429.)

This was a provision of the agricultural appropriation act for the fiscal year 1915, cited above.

Similar provisos, but without the word "hereafter," were annexed to similar appropriations in the agricultural appropriation acts for the two preceding fiscal years.

Sec. 138. (R. S. sec. 529.) Annual report by Secretary of Agriculture of expenditures.

The Commissioner of Agriculture shall, on or before the fifteenth day of December in each year, make a report in detail to Congress of all moneys expended by him or under his direction.

Act March 2, 1867, ch. 166, sec. 1, 14 Stat. 440, 445.

The Secretary of Agriculture was authorized and directed to perform all the duties of the Commissioner named in acts of Congress in force February 8, 1889, by a provision of Act July 14, 1890, ch. 707, *ante*, sec. 6.

The Secretary of Agriculture was required to present to Congress at the commencement of each regular session a detailed statement of the expenditure of all appropriations for the preceding fiscal year, by Act March 3, 1885, ch. 338, sec. 2, as amended by Act August 11, 1916, ch. 313, *post*, sec. 139.

The Secretary of Agriculture was required to direct and superintend the expenditure of all money appropriated to the department and render accounts thereof, by R. S. sec. 3677, *ante*, sec. 130.

It was made the duty of the Secretary of Agriculture to submit annually in his estimates a detailed statement as to the clerks employed in the District of Columbia upon regular and continuous work for 30 days or more during the previous fiscal year, by Act June 3, 1902, ch. 985, *post*, sec. 146.

The Secretary of Agriculture was further required to include with his estimates a statement of all executive officers, clerks, and employees below the grade of clerk employed during the previous fiscal year on any lump-fund appropriation and the salary or compensation of each, by Act August 11, 1916, ch. 313, *post*, sec. 145.

The Commissioner (Secretary) of Agriculture was required to report annually to Congress all persons employed and expenditures, under Act May 29, 1884, ch. 60, by section 11 of said Act, *post*, sec. 140.

Any sum used for compensation and expenses of any officer or person employed by any State, etc., under appropriations for carrying into effect the Food and Drugs Act, is to be reported in detail annually to Congress, by Act May 23, 1908, ch. 192, *post*, sec. 141.

The Secretary of Agriculture was required to submit in his annual estimates to Congress a detailed statement of the salary or compensation and the contingent expenses of persons employed in meat inspections, by Act March 4, 1907, ch. 2907, par. 22, *post*, sec. 212.

The Secretary of Agriculture was required to submit annually to Congress in his estimates a statement showing the proportion of the appropriation for rent of buildings for the Department of Agriculture in the District of Columbia paid for quarters occupied by the branches of the department, by Act August 9, 1916, ch. 313, *post*, sec. 147.

The Secretary of Agriculture was required to report to Congress the amount expended during the preceding fiscal year for purchase, etc., and operation of passenger-carrying vehicles, etc., by Act August 11, 1916, ch. 313, *post*, sec. 142.

The Secretary of Agriculture was required to make an annual report to Congress of the receipts, expenditures, and results of cooperative agricultural extension work in all States receiving the benefits of Act May 8, 1914, ch. 79, and also as to the withholding of the appropriation from any State thereunder, by section 7 of said Act, *post*, sec. 428.

The Secretary of Agriculture was required to make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all the States and Territories, by Act March 16, 1906, ch. 951, sec. 5, *post*, sec. 446.

Appropriations in the annual agricultural appropriation acts to carry into effect acts establishing State agricultural experiment stations and making increased appropriations therefor, and an Act providing for cooperative agricultural extension work between the State agricultural colleges and the Department of Agriculture, are accompanied by provisions that "the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized by said acts and make

report thereon to Congress." The provision for the fiscal year 1922, Act March 3, 1921, ch. 127, is set forth, *post*, sec. 452.

The Secretary of Agriculture was required to make annual report to Congress of the amounts expended under an appropriation for the construction, etc., of roads and trails within or partly within national forests in cooperation with State, etc., officials, by Act July 11, 1916, ch. 241, sec. 8, and Act February 28, 1919, ch. 69, sec. 8, *post*, secs. 573, 573a.

Provisions applicable to all departments, relating to annual reports by the heads thereof, and prescribing statements as to expenditures to be contained therein, and the times of submission to Congress and the furnishing copy to the printer, are set forth, *post*, secs. 1132-1138.

By provisions of Act June 10, 1921, ch. 18, statements of the expenditures of the Government, together with the estimates of expenditures and appropriations, and other data, are to be set forth in detail in the Budget which is to be prepared by the Bureau of the Budget for the President and by him is to be transmitted to Congress on the first day of each regular session, and except as otherwise provided by said Act, the contents, order, and arrangement of such estimates, statements of expenditures, etc., contained in the Budget and the notes and other data submitted therewith, shall conform to the requirements of existing law, and the mode of preparation by the departments of their estimates and the time of their submission to the Bureau of the Budget were prescribed, *post*, secs. 1139, 1142, 1144, 1145, 1147-1150.

Sec. 139. (Act March 3, 1885, ch. 338, sec. 2, as amended by Act August 11, 1916, ch. 313.) Additional detailed statement of expenditure of appropriations for Department of Agriculture.

That hereafter in addition to the proper vouchers and accounts for the sums appropriated for the Department of Agriculture to be furnished to the accounting officers of the Treasury, the Secretary of Agriculture shall, at the commencement of each regular session, present to Congress a detailed statement of the expenditure of all appropriations for said department for the last preceding fiscal year. (23 Stat. 356; 39 Stat. 492.)

This was section 2 of the agricultural appropriation act for the fiscal year 1886, cited above, as amended by the similar act for the fiscal year 1917, also cited above.

A preceding portion of the section as originally enacted, which by its omission from the section in the amended form may be regarded as repealed, read as follows:

"That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employee of the Government."

Other changes made by the amendment were the insertion of the word "hereafter," and the substitution of the words "said department" and "Commissioner of Agriculture," in the section as originally enacted, the words "Department of Agriculture" and "Secretary of Agriculture," to make the section read as set forth here.

The vouchers and accounts referred to in this provision were required by a provision of the agricultural appropriation act for the fiscal year 1881 and repeated in the similar Act for the fiscal year 1882, Act March 3, 1881, ch. 129, sec. 2, *ante*, sec. 131. See notes to said section.

Subsequent provisions, similar to those of this section, in requiring the Secretary of Agriculture to submit to Congress classified and detailed statements and reports of every subject of expenditure by the department, contained in Act March 4, 1907, ch. 2907. 34 Stat. 1282, were repealed with other provisions of that act, by Act March 4, 1911, ch. 238. See note to Act August 11, 1916, ch. 313, *post*, sec. 145.

See notes to R. S. sec. 529, *ante*, sec. 138.

Sec. 140. (Act May 29, 1884, ch. 60, sec. 11.) Report of persons employed, expenditures, and means adopted for suppression of contagious, etc., diseases among domestic animals.

That the Commissioner of Agriculture shall report annually to Congress, at the commencement of each session, a list of the names

of all persons employed, an itemized statement of all expenditures under this act, and full particulars of the means adopted and carried into effect for the suppression of contagious, infectious, or communicable diseases among domestic animals. (23 Stat. 33.)

This was a section of an act entitled "An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals," cited above. Section 1 of said act is set forth, *post*, sec. 163, and sections 2-9 are set forth, *post*, secs. 168-175.

The designation of the office of Commissioner of Agriculture was changed by the establishment of the department as an executive department under a Secretary of Agriculture, by Act February 9, 1889, ch. 122, *ante*, secs. 2-5; and the Secretary of Agriculture was authorized and directed to perform all the duties named in this act to be performed by the Commissioner of Agriculture, by Act July 14, 1890, ch. 707, *ante*, sec. 6.

See notes to R. S. sec. 529, *ante*, sec. 138.

Sec. 141. (Act May 23, 1908, ch. 192.) Report of payments for compensation or expenses to State, county, or municipal officers, etc., in carrying into effect provisions of Food and Drugs Act.

For all expenses necessary to carry into effect the provisions of the Act of June thirtieth, nineteen hundred and six, entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, seven hundred and sixty thousand dollars: * * * *Provided*, That hereafter any sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December of each year. (35 Stat. 261.)

This was a provision accompanying appropriations for the Bureau of Chemistry in the agricultural appropriation act for the fiscal year 1909, cited above.

Act June 30, 1906, ch. 3915, mentioned in this provision is the Food and Drugs Act, set forth *post*, secs. 266-277.

A similar proviso, without the word "hereafter," accompanied appropriations for the purposes mentioned in the similar act for the preceding fiscal year.

See notes to R. S. sec. 529, *ante*, sec. 138.

Sec. 142. (Act August 11, 1916, ch. 313.) Report of expenditures from lump-sum appropriations of Department of Agriculture for purchase, maintenance, etc., of passenger-carrying vehicles and motor boats in conduct of field work.

That not to exceed \$60,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed \$10,000 of this amount shall be expended for the purchase of such vehicles and boats, and that such vehicles and boats shall be used only for official service outside the District of Columbia, but this

shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year: *Provided*, That hereafter, nothing in this paragraph or in section five of the legislative, executive, and judicial appropriation Act, approved July sixteenth, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page five hundred and eight), shall be construed to apply to the hire of motor-propelled and horse-drawn passenger-carrying vehicles and motor boats necessary in the conduct of the field work of the department, or to the maintenance, repair, or operation of vehicles so hired. (39 Stat. 491.)

These were provisions of the agricultural appropriation act for the fiscal year 1917, cited above. Provisions in terms similar to those here set forth, without the last proviso, were contained in the agricultural appropriation act for the preceding fiscal year and such acts for subsequent fiscal years. The provisions in the acts for the fiscal years 1919 and thereafter related only to "motor-propelled and horse-drawn passenger-carrying vehicles," no mention being made of "motor boats."

Act July 16, 1914, ch. 141, sec. 5, mentioned in this section, is set forth *post*, sec. 1025.

See notes to R. S. sec. 529, *ante*, sec. 138.

A provision that no appropriation shall be available for paying expenses of horses and carriages or drivers thereof for the personal use of any Government officer is not applicable to officials outside of the District of Columbia in the performance of their public duties, by Act of March 18, 1904, ch. 716, sec. 3, *post*, sec. 1023.

Sec. 143. (Act August 11, 1916, ch. 313.) Statement of completed investigations.

The Secretary of Agriculture is directed hereafter to submit to Congress annually a statement showing investigations and other services conducted by the Department of Agriculture which have been completed and which can be discontinued. (39 Stat. 492.)

This was a provision of the agricultural appropriation act for the fiscal year 1917, cited above.

A similar provision was made by Act March 3, 1921, ch. 127, *post*, sec. 144.

See last two notes to R. S. sec. 529, *ante*, sec. 138.

Sec. 144. (Act March 3, 1921, ch. 127.) Report to Congress on investigations of Department of Agriculture completed, and as to services being performed or duplicated by any other department, etc.

That the Secretary of Agriculture is directed hereafter to submit to Congress at the beginning of each regular session a report showing what investigations devolved upon the Department of Agriculture have been completed during the preceding fiscal year, and also showing what services, if any, devolved upon the department are being performed or duplicated, in whole or in part, by any other department, bureau, or agency of the Government. (41 Stat. 1347.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1922, cited above.

A previous requirement of an annual statement showing investigations and other services conducted by the Department of Agriculture which have been completed and which can be discontinued was made by Act August 11, 1916, ch. 313, *ante*, sec. 143.

See last two notes to R. S. sec. 529, *ante*, sec. 138.

Sec. 145. (Act August 11, 1916, ch. 313.) Detailed estimates for executive officers, clerks, and employees below the grade of clerk employed in Department of Agriculture.

The Secretary of Agriculture for the fiscal year nineteen hundred and eighteen, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture, and shall include with such estimates a statement of all executive officers, clerks, and employees below the grade of clerk who may have been employed during the last completed fiscal year on any lump fund appropriation for the department and the salary or compensation of each. (39 Stat. 492.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1917, cited above.

Provisions of Act May 4, 1907, ch. 2907, 34 Stat. 1270, 1282, read as follows:

"That hereafter on or before the first day of January of each year the Secretary of Agriculture shall submit to Congress classified and detailed reports of all receipts by the Forest Service and classified and detailed estimates of all expenditures intended for this service for the next fiscal year and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year.

"That hereafter on or before the first day of January of each year the Secretary of Agriculture shall submit to Congress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year, and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year."

The provisions quoted were expressly repealed by a provision of Act March 4, 1911, ch. 238, 36 Stat. 1264, which read as follows:

"That the provisions of the Act entitled 'An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight,' requiring the Secretary of Agriculture to submit to Congress classified and detailed reports of receipts and classified and detailed estimates and reports of expenditures by the Forest Service, and classified and detailed estimates and reports of every subject of expenditure by the Agricultural Department; statements showing all appointments, promotions, or other changes made in the salaries paid from lump funds, are hereby repealed."

A further provision, by Act May 26, 1910, ch. 256, 36 Stat. 440, read as follows:

"The Secretary of Agriculture for the fiscal year nineteen hundred and twelve, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture."

And a provision of Act August 10, 1912, ch. 284, 37 Stat. 301, read as follows:

"Hereafter so much of the Act of May twenty-sixth, nineteen hundred and ten (Thirty-sixth Statutes, page four hundred and sixteen), as requires the Secretary of Agriculture to transmit annually to the Secretary of the Treasury, for submission to Congress, detailed estimates for executive officers, clerks, and other employees in the various bureaus, offices, and divisions of the Department of Agriculture shall not apply to such employees in the meat-inspection service or employees engaged in the enforcement of the Insecticide Act of nineteen hundred and ten."

The two provisions last quoted were superseded by the provision of Act August 11, 1916, ch. 313, set forth here.

Provisions for the submission of estimates to Congress in the Book of Estimates and through the Secretary of the Treasury, were superseded, and the annual estimates of appropriations for the departments are required to be submitted by the heads thereof to the Bureau of the Budget and are to be included by it in the Budget which is to be prepared for the President by said Bureau and by him is to be transmitted to Congress; and, except as otherwise provided, the contents, order, and arrangement of the estimates contained in the Budget, and the notes and other data submitted therewith, shall conform to the requirements of existing law; and estimates of lump-sum appropriations contained in the Budget shall be accompanied by statements showing in such detail and form as may be necessary to inform Congress the manner of expenditure of such appropriations for the fiscal year in progress and the fiscal year last completed, and such statements shall be in lieu of statements of like character required by law; by provisions of Act June 10, 1921, ch. 18, *post*, secs. 1139-1150.

Estimates for general or lump-sum appropriations were required to be accompanied by statements of the number and compensation of persons intended to be employed, and of those employed under the corresponding appropriation for the completed fiscal year, by Act August 24, 1912, ch. 355, sec. 6, as amended by Act August 1, 1914, ch. 223, sec. 10, *post*, sec. 1169.

It was made the duty of the Secretary of Agriculture to submit annually in his estimates a statement in detail of the clerks employed in the District of Columbia upon regular and continuous work for 30 days or more during the previous fiscal year in offices, bureaus, or divisions of the department, under general appropriations, and the compensation paid to each, by Act June 3, 1902, ch. 985, *post*, sec. 146.

The Secretary of Agriculture was required to submit in his annual estimates a statement in detail of the persons employed in meat inspection and their salary and contingent expenses, by Act March 4, 1907, ch. 2907, par. 22, *post*, sec. 212.

The Commissioner (Secretary) of Agriculture was required to report annually to Congress all persons employed under Act May 29, 1884, ch. 60, by section 11 of said Act, *ante*, sec. 140.

Reports annually and in detail of any sum used for compensation or payment of expenses to any officer or person employed by any State, etc., under appropriations for carrying into effect the food and drugs act, were required by Act May 23, 1908, ch. 192, *ante*, sec. 141.

Sec. 146. (Act June 3, 1902, ch. 985.) Order and arrangements of estimates for Department of Agriculture; detailed statement of clerks employed in Department of Agriculture in the District of Columbia during previous fiscal year.

That hereafter the estimates of appropriations for the Department of Agriculture shall be prepared and submitted each year according to the order and arrangement of the Act for the year preceding; and any changes in such order or arrangement desired by the Secretary of Agriculture may be submitted by note in the estimates.

It shall be the duty of the Secretary of Agriculture to submit, in the Book of Estimates for the fiscal year nineteen hundred and four, and annually thereafter, immediately following estimates of each of the respective offices, bureaus and divisions of the Department of Agriculture a statement showing in detail the number of clerks who were employed in the District of Columbia upon regular and continuous work for thirty days or more during the previous fiscal year in or under such offices, bureaus or divisions under authority of and paid from general appropriations, indicating in the case of every such employment the rate of compensation received and the appropriation from which paid. (32 Stat. 303.)

These were provisions of the agricultural appropriation act for the fiscal year 1903, cited above.

Provisions similar to those of the first paragraph relating to the order and arrangement of the estimates, of general application, were made by Act June 22, 1906, ch. 3514, sec. 4, *post*, sec. 1151.

The Secretary of Agriculture was required to submit in his annual estimates detailed estimates for all officers, clerks, and employees below the grade of clerk, necessary to be employed by the various bureaus, offices, and divisions of the Department, and to include with such estimates a statement of all such officers, clerks, and employees employed during the previous fiscal year on any lump-fund appropriation, and the salary or compensation of each, by Act August 11, 1916, ch. 313, *ante*, sec. 145. See all notes to said section.

Sec. 147. (Act August 11, 1916, ch. 313.) Statement in estimates of rent paid for quarters occupied by branches of Department of Agriculture.

Rent of buildings, Department of Agriculture: For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, \$123,689: *Provided*, That the Secretary of Agriculture shall submit annually to Congress in his estimates of appropriations a statement showing what proportion of this appropriation is paid for the quarters occupied by the various branches of the department. (39 Stat. 469.)

This was a provision of the agricultural appropriation act for the fiscal year 1917, cited above. A provision in the same words was contained in the similar act for the preceding fiscal year.

A proviso annexed to a similar appropriation in the agricultural appropriation act for the fiscal year 1918, read as follows: "That a joint committee to be composed of three members of the Senate, appointed by the President of the Senate, and three members of the House, appointed by the Speaker of the House, is hereby constituted, who shall investigate the amount of floor space required by the Department of Agriculture for its various activities in the city of Washington, the annual rental now paid by the Department, the land available for the erection of Government owned buildings to meet the needs of the Department, together with the cost of erecting the same, and report to Congress not later than the first Monday in December, nineteen hundred and seventeen."

It was made the duty of the heads of the several departments to submit to Congress each year in the annual estimates a statement of the number of buildings rented by their respective departments, the purposes for which rented, and the annual rental of each, by Act March 3, 1883, ch. 128, sec. 1, *post*, sec. 1163.

It was also made the duty of the Secretary of the Treasury to prepare and submit to Congress each year, in the Book of Estimates, a statement of the buildings rented in the District of Columbia for the use of the Government, the purposes for which rented, and the annual rental of each, by Act July 16, 1892, ch. 196, *post*, sec. 1164, and further details of such statement were prescribed by Act May 1, 1913, ch. 1, sec. 3, and Act May 29, 1920, ch. 214, sec. 7, *post*, secs. 1165, 1166.

It was made the duty of the head of each department to submit to Congress annually in the estimates statements as to Government-owned buildings in the District of Columbia under their respective jurisdiction, the location and valuation of each, the purposes for which used, and the cost of care, maintenance, upkeep, and operation thereof per square foot of floor space, by Act June 5, 1920, ch. 235, sec. 3, *post*, sec. 1162.

The annual estimates of the departments are required to be submitted by the heads thereof to the Bureau of the Budget and by it are to be included in the Budget which is to be prepared by said bureau for the President and by him is to be transmitted to Congress, and, except as otherwise provided, the contents, order, and arrangement of the estimates and statements contained in the Budget, and the notes and other data submitted therewith shall conform to the requirements of existing law, by provisions of Act June 10, 1921, ch. 18, *post*, secs. 1139-1150.

CHAPTER 2.

THE WEATHER BUREAU.

Sec. 148. (Act October 1, 1890, ch. 1266, sec. 1.) Establishment of the Weather Bureau.

That the civilian duties now performed by the Signal Corps of the Army shall hereafter devolve upon a bureau to be known as the Weather Bureau, which, on and after July first, eighteen hundred and ninety-one, shall be established in and attached to the Department of Agriculture, and the Signal Corps of the Army shall remain a part of the Military Establishment under the direction of the Secretary of War, and all estimates for its support shall be included with other estimates for the support of the Military Establishment. (26 Stat. 653.)

This was a section of an act entitled "An act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture," cited above. This section and sections 3, 4, and 9 of the act, *post*, secs. 149-151, contain the provisions of the act which are of a permanent nature, relating to the Weather Bureau. Sections 2, 6, and 7, relating to the duties, property, and personnel of the Signal Corps, reorganized thereby as a military service under the Secretary of War, and sections 5 and 10, containing provisions for the transfer of part of the enlisted force of the civilian employees of the Signal Corps to the Weather Bureau, and for the division of property, moneys, etc., pertaining to the Signal Corps, between it and the Weather Bureau, are omitted.

This act may be regarded as superseding R. S. secs. 221-223, which read as follows:

"SEC. 221. The Secretary of War shall provide for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories, and for giving notice on the northern lakes and sea-coast, by magnetic telegraph and marine signals, of the approach and force of storms.

"SEC. 222. The Secretary of War shall provide, in the system of observations and reports in charge of the Chief Signal-Officer of the Army, for such stations, reports, and signals as may be found necessary for the benefit of agriculture and commercial interests.

"SEC. 223. The Secretary of War is authorized to establish signal-stations at light-houses and at such of the life-saving stations on the lake or sea-coast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the signal-service by means of a suitable telegraph-line in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the Chief Signal-Officer of the Army, or the Secretary of War and the Secretary of the Treasury; and the use of the life-saving stations as signal-stations shall be subject to such regulations as may be agreed upon by said officials."

Provisions for the printing and allotment of copies of the Annual Report of the Weather Bureau were made by Act January 12, 1895, ch. 23, sec. 73, *ante*, sec. 111.

Maps, charts, bulletins, and minor reports of the Weather Bureau shall be printed in such numbers as the Secretary of Agriculture may deem for the best interests of the Government, by a provision of Act, January 12, 1895, ch. 23, sec. 89, *ante*, sec. 118.

Sec. 149. (Act October 1, 1890, ch. 1266, sec. 3.) Duties of the Chief of the Weather Bureau.

That the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, on and after July first, eighteen hundred and ninety-one, shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of sea-coast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rain-fall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties. (26 Stat. 653.)

See note to section 1 of this act, *ante*, sec. 148.

The Bureau was to be specially developed and extended in the interests of agriculture, by a provision of section 9 of this act, *post*, sec. 151.

Sec. 150. (Act October 1, 1890, ch. 1266, sec. 4, as amended by Res. July 8, 1898, No. 57.) Weather Bureau to consist of Chief, and employees provided for by Congress; compensation and appointment of Chief.

That the Weather Bureau shall hereafter consist of one Chief of Weather Bureau and such civilian employees as Congress may annually provide for and as may be necessary to properly perform the duties devolving on said bureau by law, and the chief of said bureau shall receive an annual compensation of four thousand five hundred dollars, and be appointed by the President, by and with the advice and consent of the Senate. (26 Sta. 653; 30 Stat. 752.)

See note to section 1 of this act, *ante*, sec. 148.

The words of this section, "four thousand five hundred dollars," stating the amount of the annual compensation of the chief of the bureau, were superseded by appropriations of an increased salary in subsequent agricultural appropriation acts. Appropriations of \$5,000 were made in the acts for the fiscal year 1901 and each year thereafter including that for 1909. The amount, further increased to \$6,000 by the act for the fiscal year 1911, was appropriated each year thereafter down to and including that for the fiscal year 1914. The act for the fiscal year last mentioned contained a provision that thereafter every officer or employee of the Department of Agriculture whose rate of compensation was specified therein should thereafter receive compensation at the rate so specified. Act March 4, 1913, ch. 145, *ante*, sec. 19. The amount appropriated for the salary of the Chief of the Weather Bureau in the act for the fiscal year next following, however, and for each year since, was \$5,000.

This section, as originally enacted, had annexed thereto a proviso "that the Chief Signal Officer may, in the discretion of the President, be detailed to take charge of said bureau, and in like manner other officers of the Army, not exceeding four, expert in the duties of the weather service, may be assigned to duty with the Weather Bureau, and while so serving shall receive the pay and allowances to which they are entitled by law." But "the laws authorizing the detail and assignment of officers of the Army to duty in the Weather Bureau" were expressly repealed, by a proviso annexed to Res. July 8, 1898, No. 57, cited above.

The Secretary of Agriculture was authorized to make promotions in the service, and to make changes or assignment to duty in the force of the Bureau, by Act August 8, 1894, ch. 238, and Act March 2, 1895, ch. 169, *post*, secs. 152, 152a.

Sec. 151. (Act October 1, 1890, ch. 1266, sec. 9.) Making of appropriations and estimates for Weather Bureau; development of Bureau in interests of agriculture.

That on and after July first, eighteen hundred and ninety-one, the appropriations for the support of the Signal Corps of the Army shall be made with those of other staff corps of the Army, and the appropriations for the support of the Weather Bureau shall be made with those of the other bureaus of the Department of Agriculture, and it shall be the duty of the Secretary of Agriculture to prepare future estimates for the Weather Bureau which shall be hereafter specially developed and extended in the interests of agriculture. (26 Stat. 653.)

See note to section 1 of this act, *ante*, sec. 148.

Sec. 152. (Act August 8, 1894, ch. 238.) Promotions in the service.

Expenses of the Weather Bureau, under the direction of the Secretary of Agriculture, * * * and the Secretary is hereby authorized to make promotions in the service without prejudice to those transferred from the Signal Service of the War Department. (28 Stat. 273.)

This was a provision of the agricultural appropriation act for the fiscal year 1895, cited above. Provisions in the same words were contained in the similar acts for the two preceding fiscal years.

152a. (Act March 2, 1895, ch. 169.) Changes or assignment to duty in force of Weather Bureau.

Salaries of the Weather Bureau: To enable the Secretary of Agriculture to carry out the provisions of the Act of October first, eighteen hundred and ninety, transferring the Weather Bureau to the Department of Agriculture; * * * the Secretary is hereby authorized to make such changes or assignment to duty in the personnel or detailed force of the Weather Bureau for limiting or reducing expenses as he may deem necessary. (28 Stat. 736.)

This was a provision of the agricultural appropriation act for the fiscal year 1896, cited above. Similar provisions were contained in the similar acts for the four preceding fiscal years.

Sec. 153. (Act April 25, 1896, ch. 140.) Weather signals on mail cars, etc.

That the Secretary of Agriculture, in cooperation with the Postmaster-General, may arrange a plan by which there shall be displayed on all cars and other conveyances used for transporting United States mail, suitable flags or other signals to indicate weather forecasts, cold-wave warnings, frost warnings, and so forth, to be furnished by the Chief of the Weather Bureau. (29 Stat. 108.)

This was a provision of the agricultural appropriation act for the fiscal year 1897, cited above. Similar provisions were contained in the similar acts for the two preceding years.

Sec. 154. (Act March 4, 1909, ch. 321, sec. 61.) Counterfeiting weather forecasts; punishment.

Whoever shall knowingly issue or publish any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Gov-

ernment service, shall be fined not more than five hundred dollars, or imprisoned not more than ninety days, or both. (35 Stat. 1100.)

This was a section of the Criminal Code, cited above.

Provisions of Act April 25, 1896, ch. 140, 29 Stat. 108, Act March 2, 1895, ch. 169, 28 Stat. 737, and Act August 8, 1894, ch. 238, 28 Stat. 274, are incorporated in this section, and are expressly repealed by section 341 of said Criminal Code. A similar provision, but containing an additional clause making it likewise punishable to molest or interfere with any weather or storm flag or weather map or bulletin displayed or issued by the Weather Bureau, in Act March 3, 1905, ch. 1405, is set forth, *post*, sec. 155. This provision is not included among those mentioned as expressly repealed in said repealing section 341 of the Criminal Code, but a reference to it is noted in the margin of said section 61 thereof, in which the original provision is incorporated. It may be questioned, therefore, whether said additional provision first enacted in Act March 3, 1905, ch. 1405, is within the meaning of the last clause of section 341 of said Act March 4, 1909, "embraced within and superseded by" said act, as to be repealed thereby, or whether it is one of "the remaining portions" of prior acts, which are to "remain in force."

Sec. 155. (Act March 3, 1905, ch. 1405.) Counterfeiting weather forecasts and molesting, etc., weather flags, maps, and bulletins.

Any person who shall knowingly issue or publish any counterfeit weather forecasts or warnings of weather conditions, falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, or other branch of the Government service, or shall molest or interfere with any weather or storm flag or weather map or bulletin displayed or issued by the United States Weather Bureau, shall be deemed guilty of a misdemeanor, and on conviction thereof, for each offense, be fined in a sum not exceeding five hundred dollars, or be imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court. (33 Stat. 864.)

This was a provision of the agricultural appropriation act for the fiscal year 1906.

See a provision of Act March 4, 1909, ch. 321, sec. 61, and notes thereto, *ante*, sec. 154.

Sec. 156. (Act August 30, 1890, ch. 837, sec. 1.) Meteorological instruments for voluntary observers.

The Secretary of War, as he may think proper, may cause to be issued such meteorological instruments (not exceeding one set valued at fifteen dollars to any one county) to voluntary unpaid observers, in order to secure meteorological data from such observers, under regulations to be prescribed by the Secretary of War. (26 Stat. 398.)

This was a provision of the sundry civil appropriation act for the fiscal year 1891, cited above.

The weather service was transferred from the Signal Corps of the Army to the Weather Bureau of the Department of Agriculture, and the chief of said bureau, under the direction of the Secretary of Agriculture, should have charge of the forecasting of the weather, the collection and distribution of meteorological information, the taking of meteorological observations, etc., by Act October 1, 1890, ch. 1266, secs. 1, 3, 4, 9, *ante*, secs. 148-151.

Sec. 157. (Act February 26, 1923, ch. 119.) Restriction on printing by the Weather Bureau.

For the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications, including the pay of additional employees, when

necessary, \$12,000: *Provided*, That no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said bureau. (42 Stat. 1294.)

This was a provision of the agricultural appropriation act for the fiscal year 1924, cited above. Similar provisions were contained in the similar acts for the nine preceding fiscal years.

By a provision of Act January 12, 1895, ch. 23, sec. 31, *post*, sec. 1407, other provisions of said act that all printing offices in the departments shall be a part of the Government Printing Office and under the control of the Public Printer, and that he shall furnish machinery and material for said offices, and that all persons employed in said offices shall be appointed by the Public Printer and be carried on his pay roll, are not applicable to the printing office in the Weather Bureau, but the Public Printer, with the approval of the Joint Committee on Printing, may abolish said printing office whenever in their judgment the economy of the public service would be thereby advanced.

Sec. 157a. (Act July 24, 1919, ch. 26.) Restriction on printing by branches or officers of Government service not applicable to maps, bulletins of Weather Bureau.

That the proviso contained in section 11 of the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1920, shall not prohibit the printing in the printing office of the Weather Bureau in the city of Washington of the maps, bulletins, circulars, forms, and other publications herein authorized. (41 Stat. 237.)

This was a provision of the agricultural appropriation act for the fiscal year 1920, cited above.

The proviso of Act March 1, 1919, ch. 86, sec. 11, referred to in this provision, is set forth, *post*, sec. 1415.

Sec. 158. (Act June 17, 1910, ch. 297, sec. 1.) Meteorological information to be furnished by Weather Bureau to Hydrographic Office of Navy Department for pilot charts.

And hereafter the pilot charts prepared in the Hydrographic Office shall have conspicuously printed thereon the following: "Prepared from data furnished by the Hydrographic Office of the Navy Department and by the Weather Bureau of the Department of Agriculture, and published at the Hydrographic Office under the authority of the Secretary of the Navy;" and all meteorological information received by the Weather Bureau of the Department of Agriculture necessary for and of the character of such information heretofore used in the preparation of the pilot charts shall continue to be furnished with all possible expedition to the Hydrographic Office for use in the preparation of said charts. (36 Stat. 508.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1911, cited above.

Sec. 159. (Act March 4, 1907, ch. 2907.) Sale of surplus maps or publications of Weather Bureau.

Hereafter the Secretary of Agriculture is authorized to sell any surplus maps or publications of the Weather Bureau, and the money received from such sales shall be deposited in the Treasury of the United States, section two hundred and twenty-seven of the Revised Statutes notwithstanding. (34 Stat. 1258.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above.

R. S. sec. 227, mentioned in this provision, read as follows:

"The Chief Signal-Officer may cause to be sold any surplus maps or publications of the Signal-Office, the money received therefor to be applied toward defraying the expenses of the signal-service; and an account of the same shall be rendered in each annual report of the Chief of the Signal-Service."

Said R. S. sec. 227, was practically superseded by the transfer of the weather service to the Department of Agriculture, by Act October 1, 1890, ch. 1266, *ante*, secs. 148-151.

Sec. 160. (Act May 25, 1900, ch. 555.) Destruction of old telegrams of Weather Bureau.

That hereafter all telegrams pertaining to the business of the Weather Bureau may be destroyed after they are three years old, and the accounts based thereon have been settled by the Treasury Department; and the present accumulation of these old telegrams may be destroyed. (31 Stat. 204.)

This was a provision of the agricultural appropriation act for the fiscal year 1901, cited above.

The Secretary of Agriculture was authorized to sell or otherwise dispose of accumulations of department files which do not constitute permanent records, by Act March 4, 1907, ch. 2907, *ante*, sec. 69.

Provisions applicable to all the departments, relating to the disposition of accumulations of useless papers, are contained in Act February 16, 1889, ch. 171, and Act March 2, 1895, ch. 189, sec. 1, *post*, secs. 1464, 1465.

Sec. 161. (Act March 4, 1913, ch. 145.) Traveling expenses of officers and employees of the Weather Bureau transferred from one station to another.

Hereafter officials and employees of the Weather Bureau, when transferred from one station to another for official duty, shall be allowed all traveling expenses authorized by existing laws applicable to said bureau, notwithstanding any changes in appointments that may be required by such transfers. (37 Stat. 830.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

Officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary, may be allowed actual traveling expenses including charges for the transfer of their effects and personal property used in official work, under rules and regulations prescribed by the Secretary, by Act March 4, 1911, ch. 238, *ante*, sec. 33.

Traveling expenses that may be allowed officials and employees of the Department of Agriculture were defined by Act August 10, 1912, ch. 284, *ante*, sec. 31. A subsequent provision fixing a per diem allowance in lieu of subsistence, applicable to all the departments, was made by Act April 6, 1914, ch. 52, sec. 1, *post*, sec. 1018.

Sec. 162. (Act March 3, 1915, ch. 83.) Advisory Committee for Aeronautics established; representative of Weather Bureau to be a member.

An Advisory Committee for Aeronautics is hereby established, and the President is authorized to appoint not to exceed twelve members, to consist of two members from the War Department, from the office in charge of military aeronautics; two members from the Navy Department, from the office in charge of naval aeronautics; a representative each of the Smithsonian Institution, of the United States Weather Bureau, and of the United States Bureau of Standards; together with not more than five additional persons who shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences: *Provided*, That the members of the Advisory Committee for Aeronautics,

as such, shall serve without compensation: *Provided further*, That it shall be the duty of the Advisory Committee for Aeronautics to supervise and direct the scientific study of the problems of flight, with a view to their practical solution, and to determine the problems which should be experimentally attacked, and to discuss their solution and their application to practical questions. In the event of a laboratory or laboratories, either in whole or in part, being placed under the direction of the committee, the committee may direct and conduct research and experiment in aeronautics in such laboratory or laboratories: *And provided further*, That rules and regulations for the conduct of the work of the committee shall be formulated by the committee and approved by the President.

That the sum of \$5,000 a year, or so much thereof as may be necessary, for five years is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for experimental work and investigations undertaken by the committee, clerical expenses and supplies, and necessary expenses of members of the committee in going to, returning from, and while attending, meetings of the committee: *Provided*, That an annual report to the Congress shall be submitted through the President, including an itemized statement of expenditures. (38 Stat. 930.)

These were provisions of the naval service appropriation act for the fiscal year 1916, cited above.

CHAPTER 3.

THE BUREAU OF ANIMAL INDUSTRY.

Sec. 163. (Act May 29, 1884, ch. 60, sec. 1.) Establishment of the Bureau of Animal Industry; Chief of Bureau; duty; employees; clerk; salaries.

That the Commissioner of Agriculture shall organize in his Department a Bureau of Animal Industry, and shall appoint a Chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose, not to exceed twenty persons at any one time. The salary of the Chief of said Bureau shall be three thousand dollars per annum; and the Commissioner shall appoint a clerk for said Bureau, with a salary of one thousand five hundred dollars per annum. (23 Stat. 31.)

This was a section of an act entitled "An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia, and other contagious diseases among domestic animals," cited above. Sections 2-9 of this act, containing provisions for investigation of methods of treating, transporting, etc., domestic animals and means for suppression of contagious, etc., diseases and cooperation with the States and Territories in plans and methods adopted therefor, and other provisions relating to exportation and transportation of live stock to foreign countries and among the States, and the suppression of diseases of live stock, are set forth, *post*, secs. 168-175. Section 10 of the act, making an appropriation for carrying into effect the provisions of the act, is omitted as temporary only. Section 11 of the act, requiring an annual report to Congress of persons employed, expenditures, etc., under the act, is set forth, *ante*, sec. 140.

The designation of the office of Commissioner of Agriculture was changed by the establishment of the department as an executive department, under a Secretary of Agriculture, by Act February 9, 1889, ch. 122, *ante*, secs. 2-5, and the authority granted to the Commissioner by this act was vested in the Secretary of Agriculture, by a provision of Act July 14, 1890, ch. 707, *ante*, sec. 6.

The provision of this section limiting the number of persons to be employed "not to exceed twenty persons at any one time," and the words stating the amounts of the salaries of the chief of the bureau at "three thousand dollars," and of the clerk, at "one thousand five hundred dollars," may be regarded as superseded by appropriations in the subsequent annual agricultural appropriation acts providing for an enlarged force and for increased salaries.

For the fiscal year 1908 and each year since the amount appropriated for the salary of the Chief of the Bureau of Animal Industry was \$5,000. The agricultural appropriation act for the fiscal year 1914, providing for the chief of bureau, other officers, clerks of various classes, and numerous other employees, contained a further provision that thereafter every officer or employee of the Department of Agriculture whose rate of compensation is specified therein should receive compensation at the rate so specified. Act March 4, 1913, ch. 145, *ante*, sec. 19.

Forcibly assaulting, resisting, etc., any officer or employee of the Bureau of Animal Industry in the execution of his duties, or using any deadly or dangerous weapon in resisting him in the execution of his duties, were made punishable, by Act of March 4, 1909, ch. 321, sec. 62, *post*, sec. 167.

Provisions for the printing and allotment of copies of the Report of the Bureau of Animal Industry were made by Act January 12, 1895, ch. 23, sec. 73, *ante*, sec. 111.

Sec. 164. (Act August 10, 1912, ch. 284.) Sale or exchange of animals or animal products produced or purchased under appropriations for Bureau of Animal Industry.

And hereafter the Secretary of Agriculture is authorized to sell in the open market or to exchange for other breeding animals or animal products to the best advantage, without the usual condemnation proceedings and public auction, such animals or animal products produced or purchased under the appropriations made by Congress for the use of the Bureau of Animal Industry as may not be needed in the work of that bureau: *Provided*, That all moneys received from the sale of such animals or animal products, or as a bonus in the exchange of the same, shall be deposited in the Treasury as miscellaneous receipts. (37 Stat. 274.)

This was a provision of the agricultural appropriation act for the fiscal year 1913, cited above.

A similar provision authorizing the Secretary of Agriculture "to sell in the open market or to exchange for other live stock such animals or animal products as cease to be needed in the work of the department," was contained in the similar act for the fiscal year 1916, Act March 4, 1915, ch. 144, *post*, sec. 165.

Sec. 165. (Act March 4, 1915, ch. 144.) Sale or exchange of animals or animal products not needed.

Hereafter the Secretary of Agriculture is authorized to sell in the open market or to exchange for other live stock such animals or animal products as cease to be needed in the work of the department, and all moneys received from the sale of such animals or animal products or as a bonus in the exchange of the same shall be deposited in the Treasury of the United States as miscellaneous receipts. (38 Stat. 1114.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1916, cited above.

A similar provision authorizing the Secretary of Agriculture "to sell in the open market or to exchange for other breeding animals or animal products to the best advantage, without the usual condemnation proceedings and public auction, such animals or animal products produced or purchased under the appropriations made by Congress for the use of the Bureau of Animal Industry as may not be needed in the work of that bureau," is contained in the similar act for the fiscal year 1913, Act August 10, 1912, ch. 284, *ante*, sec. 164.

Sec. 166. (Act March 4, 1913, ch. 145.) Sale of pathological and zoological specimens.

Hereafter the Secretary of Agriculture is authorized to prepare and sell at cost such pathological and zoological specimens as he may

deem of scientific or educational value to scientists or others engaged in the work of hygiene and sanitation: *Provided*, That all moneys received from the sale of such specimens shall be deposited in the Treasury as miscellaneous receipts. (37 Stat. 833.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

Sec. 167. (Act March 4, 1909, ch. 321, sec. 62.) Molesting officers or employees of the Bureau of Animal Industry; using deadly or dangerous weapon; punishment .

Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. (35 Stat. 1100.)

This was a section of the Criminal Code, cited above.

This section substantially incorporated and superseded the provisions of Act March 3, 1905, ch. 1496, sec. 5, 33 Stat. 1265.

CHAPTER 4.

LIVE STOCK.

Sec. 163. (Act May 29, 1884, ch. 60, sec. 2.) Agents to examine and report on methods of treating, transporting, and caring for animals, and on means for suppression of contagious, etc., diseases.

That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other dangerous contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of ten dollars per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act, when absent from their usual place of business or residence as such agent. (23 Stat. 31.)

This section and the seven sections next following were part of an act entitled "An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," cited above.

Section 1 of this act, establishing the Bureau of Animal Industry, is set forth *ante*, sec. 163.

Section 10 of this act, making an appropriation to carry into effect its provisions, being temporary, is omitted here.

Section 11 of this act, requiring an annual report to Congress of persons employed, expenditures, etc., under the act, is set forth *ante*, sec. 140.

Further appropriations for carrying out the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1886 and thereafter.

The designation of the office of the Commissioner of Agriculture was changed by the establishment of the department as an executive department under a Secretary of Agriculture, by Act February 9, 1889, ch. 122, *ante*, secs. 2-5, and the authority granted to the Commissioner by this act was vested in the Secretary of Agriculture, by a provision of Act July 14, 1890, ch. 707, *ante*, sec. 6.

The provisions of this section for the appointment, duties, etc., of agents, may be regarded as superseded by the provisions of subsequent agricultural appropriation acts.

This act was amended so as to permit cattle which have reacted to the tuberculin test to be shipped, etc., interstate for immediate slaughter, in accordance with regulations prescribed by the Secretary of Agriculture, and so as to authorize the reshipment interstate of cattle which have been shipped for breeding or feeding purposes and have reacted to the tuberculin test, by Act May 31, 1920, ch. 217, *post*, sec. 176.

The Secretary of Agriculture was authorized to establish rules and regulations covering the exportation and interstate transportation of live stock from localities where contagious, etc., diseases are deemed to exist, and to make regulations and take measures to prevent the introduction or dis-

semination of such diseases, and the violation of the orders or regulations made in pursuance thereof was made a misdemeanor punishable by fine or imprisonment, by Act February 2, 1903, ch. 349, *post*, secs. 178-180.

The Secretary of Agriculture was authorized to quarantine any State or Territory or the District of Columbia, or any portion of any of them, when live stock therein are affected with any contagious, etc., disease, and the interstate shipment, etc., from any such quarantined district of any live stock except in manner or method or under conditions prescribed by rules and regulations made and promulgated by the Secretary of Agriculture, was made unlawful, and violation of said prohibition was made punishable by fine or imprisonment, by Act March 3, 1905, ch. 1496, *post*, secs. 181-185.

Sec. 169. (Act May 29, 1884, ch. 60, sec. 3.) Rules and regulations for suppression of contagious, etc., diseases; cooperation of States and Territories.

That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another. (23 Stat. 32.)

See note to section 2 of this act, *ante*, sec. 168, particularly as to change of designation of Commissioner of Agriculture to Secretary of Agriculture.

Sec. 170. (Act May 29, 1884, ch. 60, sec. 4.) Investigation as to pleuro-pneumonia, and other contagious, etc., diseases; regulations.

That in order to promote the exportation of live stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, infectious, or communicable disease, along the dividing-lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall, from time to time, establish such regulations concerning the exportation and transportation of live stock as the results of said investigations may require. (23 Stat. 32.)

See notes to section 2 of this act, *ante*, sec. 168, particularly as to change of designation of Commissioner of Agriculture to Secretary of Agriculture.

The powers conferred on the Secretary of the Treasury by this section and the section next following were conferred on the Secretary of Agri-

culture, to be exercised exclusively by him, by Act February 2, 1903, ch. 349. sec. 1, *post*, sec. 178.

Sec. 171. (Act May 29, 1884, ch. 60, sec. 5.) Measures to prevent exportation of diseased live stock, authorized.

That to prevent the exportation from any port of the United States to any port in a foreign country of live stock affected with any contagious, infectious, or communicable disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary. (23 Stat. 32.)

See notes to section 2 of this act, *ante*, sec. 168.

See, also, note to section 4 of this act, *ante*, sec. 170, as to transfer of authority conferred on Secretary of Treasury to Secretary of Agriculture.

Sec. 172. (Act May 29, 1884, ch. 60, sec. 6.) Interstate transportation of diseased live stock prohibited: splenetic fever not considered a contagious, etc., disease.

That no railroad company within the United States, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport, from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any live stock affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live stock, knowing them to be affected with any contagious, infectious, or communicable disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any live stock, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuro-pneumonia: *Provided*, That the so-called splenetic or Texas fever shall not be considered a contagious, infectious, or communicable disease within the meaning of sections four, five, six and seven of this act, as to cattle being transported by rail to market for slaughter, when the same are unloaded only to be fed and watered in lots on the way thereto. (23 Stat. 32.)

See notes to section 2 of this act, *ante*, sec. 168.

Sec. 173. (Act May 29, 1884, ch. 60, sec. 7.) Notice to railroads, etc., in infected localities; transportation of diseased live stock; penalty.

That it shall be the duty of the Commissioner of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live stock within such infected district, who shall knowingly violate the provisions of section six of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five

thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. (23 Stat. 32.)

See notes to section 2 of this act, *ante*, sec. 168.

Sec. 174. (Act May 29, 1884, ch. 60, sec. 8.) Pleuro-pneumonia and other contagious, etc., diseases in the District of Columbia.

That whenever any contagious, infectious, or communicable disease affecting domestic animals, and especially the disease known as pleuro-pneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the Commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said Commissioners are hereby empowered to order and require that any premises, farm, or farms, where such disease exists, or has existed, be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for and to require the destruction of animals affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Commissioner of Agriculture whatever they may do in pursuance of the provisions of this section. (23 Stat. 33.)

See notes to section 2 of this act, *ante*, sec. 168.

Sec. 175. (Act May 29, 1884, ch. 60, sec. 9.) Duty of District Attorneys to prosecute violations.

That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard before any district or circuit court of the United State[s] or Territorial court holden within the district in which the violation of this act has been committed. (23 Stat. 33.)

See notes to section 2 of this act, *ante*, sec. 168.

Circuit Courts were abolished by Act March 3, 1911, ch. 231, sec. 289, 36 Stat. 1167.

Sec. 176. (Act May 31, 1920, ch. 217.) Shipment, etc., for immediate slaughter permitted of cattle reacting to tuberculin test; reshipment authorized of cattle shipped for breeding or feeding, reacting to tuberculin test.

That the Act approved May 29, 1884 (Twenty-third Statutes at Large, page 31), be, and the same is hereby, amended to permit hereafter cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture: *And provided further*, That hereafter the Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such ship-

ment, to be reshipped in interstate commerce to the original owner. (41 Stat. 699.)

These were provisions of the agricultural appropriation act for the fiscal year 1921 cited above. Provisions in the same words, but without the word "hereafter," were contained in the similar acts for the two preceding fiscal years.

Act May 29, 1884, ch. 60 secs. 2-9, mentioned in and amended by these provisions, is set forth. *ante*, secs. 168-175.

Sec. 177. (Act February 26, 1923, ch. 119.) Eradication of contagious, etc., diseases of animals; payment for animals purchased; basis for computation of value and amount to be paid.

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the livestock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any such appraisements: *Provided further*, That so much of the appropriation of \$2,500,000 made by the Agricultural Appropriation Act of March 4, 1915, for the fiscal year ending June 30, 1916, for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, as remains unexpended at the close of the fiscal year 1923, is hereby reappropriated and made available for expenditure during the fiscal year ending June 30, 1924, for the objects mentioned in said appropriation act, including necessary investigations to determine whether said diseases have been completely eradicated in districts where they previously existed. (42 Stat. 1318.)

These were provisions of the agricultural appropriation act for the fiscal year 1924, cited above. Similar provisions were contained in the similar acts for several preceding fiscal years.

Sec. 177a. (Act February 26, 1923, ch. 119.) Tuberculosis of animals; payment for animals destroyed.

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State, Territory, or county authorities, \$2,877,600, of

which \$850,000 shall be set aside for administrative and operating expenses and \$2,027,600 for the payment of indemnities: *Provided, however*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to destroy tuberculous animals and to compensate owners for loss thereof, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere out of the moneys of this appropriation, such sums as he shall determine to be necessary, within the limitations above provided, for the reimbursement of owners of animals so destroyed, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous animals and for compensation to owners of animals so destroyed, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such animals shall take place; nor shall any payment be made hereunder as compensation for or on account of any such animal destroyed if at the time of inspection or test of such animal, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation, to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, or municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations. (42 Stat. 1296.)

These were provisions of the agricultural appropriation act for the fiscal year 1924, cited above. Similar provisions were contained in the similar acts for several preceding fiscal years.

The First Deficiency Appropriation Act for the fiscal year 1922, Act December 15, 1921, ch. 1, 42 Stat. 330, contained the following: "To enable the Bureau of Animal Industry, Department of Agriculture, to perform the duties imposed upon it by the Agricultural Appropriation Act approved March 3, 1921, for the payment of indemnities on account of cattle slaughtered in connection with the eradication of tuberculosis from animals, \$600,000; *Provided*, That this sum shall be expended only in payment to owners whose cattle have been in their possession for a period of at least six months prior to slaughter: *Provided further*, That no part of said sum shall be expended for the payment of indemnities to owners or herds hereafter placed under Federal and State supervision, unless such herds are located in circumscribed areas designated and agreed upon by the States and the Federal Government in which to conduct cooperative tuberculosis eradication work."

Sec. 178. (Act February 2, 1903, ch. 349, sec. 1.) Duties relating to exportation and transportation of infected live stock transferred from Secretary of Treasury to Secretary of Agriculture; regulations; shipment, etc., and exportation after inspection and certification; fees; supervision by Bureau of Animal Industry.

That in order to enable the Secretary of Agriculture to effectually suppress and extirpate contagious pleuropneumonia, foot-and-mouth

disease, and other dangerous contagious, infectious, and communicable diseases in cattle and other live stock, and to prevent the spread of such diseases, the powers conferred on the Secretary of the Treasury by sections four and five of an Act entitled "An Act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuropneumonia and other contagious diseases among domestic animals," approved May twenty-ninth, eighteen hundred and eighty-four (twenty-third United States Statutes, thirty-one), are hereby conferred on the Secretary of Agriculture, to be exercised exclusively by him. He is hereby authorized and directed, from time to time, to establish such rules and regulations concerning the exportation and transportation of live stock from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia and to foreign countries, as he may deem necessary, and all such rules and regulations shall have the force of law. Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other live stock which were about to be shipped, driven, or transported from such locality to another, as above stated, and had found them free from Texas or splenic fever infection, pleuropneumonia, foot and mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection. (32 Stat. 791.)

This section and the two sections next following were an act entitled "An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes," cited above.

Sections 4 and 5 of Act March 29, 1884, ch. 60, mentioned in this section, are set forth *ante*, secs. 170, 171.

Appropriations for carrying out the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1905 and thereafter.

Provisions for the quarantine of any State or Territory or the District of Columbia, or any portion of any of them, when cattle or other live stock therein are affected with any contagious, etc., disease, and for notice of such quarantine, and for promulgation and notice of rules and regulations for the inspection, etc., and shipment of live stock, and prohibiting the transportation, etc., of live stock from a quarantined State or Territory or the District of Columbia, or the quarantined portion of any of them, into any other State or Territory or the District of Columbia, except under such rules and regulations, were contained in Act March 3, 1905, ch. 1496, *post*, secs. 181-185.

Sec. 179. (Act February 2, 1903, ch. 349, sec. 2.) Regulations by Secretary of Agriculture to prevent contagious, etc., diseases among live stock.

That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion. (32 Stat. 792.)

See notes to preceding section.

Sec. 180. (Act February 2, 1903, ch. 349, sec. 3.) Punishment for violations.

That any person, company, or corporation knowingly violating the provisions of this Act or the orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment. (32 Stat. 792.)

See notes to section 1 of this act, *ante*, sec. 178.

Sec. 181. (Act March 3, 1905, ch. 1496, sec. 1.) Quarantine of State or Territory, etc., or portion thereof, where cattle or other live stock are affected with contagious, etc., disease; notice of establishment of quarantine.

That the Secretary of Agriculture is authorized and directed to quarantine any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that cattle or other live stock in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease; and the Secretary of Agriculture is directed to give written or printed notice of the establishment of quarantine to the proper officers of railroad, steamboat, or other transportation companies doing business in or through any quarantined State or Territory or the District of Columbia, and to publish in such newspapers in the quarantined State or Territory or the District of Columbia, as the Secretary of Agriculture may select, notice of the established quarantine. (33 Stat. 1264.)

This section and the four sections next following were part of an act entitled "An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, and to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes," cited above.

Section 5 of this act, providing that any person who forcibly assaulted, resisted, opposed, prevented, impeded, or interfered with any officer or employee of the Bureau of Animal Industry of the United States Department of Agriculture in the execution of his duties, etc., should be fined and imprisoned, and that any person who used a deadly weapon against any such officer or employee should be imprisoned or fined, was incorporated in the Criminal Code, Act March 4, 1909, ch. 321, sec. 62, *ante*, sec. 167.

The provisions of this act were made to apply to any railroad company or other common carrier, whose road or line forms any part of a route over

which cattle or other live stock are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or the quarantined portion of any of them, into any other State or Territory or the District of Columbia, by Act June 30, 1914, ch. 131, *post*, sec. 186.

Appropriations for carrying out the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1907 and thereafter.

Provisions for investigations as to the existence and for the suppression and prevention of the spread of contagious, etc., diseases of live stock in the United States and for notice of infected localities, were made, and the transportation from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia of live stock affected with any such contagious, etc., disease was prohibited and made punishable by Act May 29, 1884, ch. 60, *ante*, secs. 168-175.

Provisions for rules and regulations concerning the exportation and interstate transportation of live stock from localities where contagious, etc., diseases are deemed to exist, and for the inspection and certification of such live stock for interstate shipment and exportation, and for regulations and measures to prevent the introduction or dissemination of such diseases, and for the seizure, quarantine, etc., of materials or animal products from an infected foreign country, or from one State, etc., in transit to another State, etc., and making violations of the act or orders or regulations in pursuance thereof punishable by fine or imprisonment, were contained in Act February 2, 1903, ch. 349, *ante*, secs. 178-180.

Sec. 182. (Act March 3, 1905, ch. 1496, sec. 2.) Transportation, etc., from quarantined State, etc., or quarantined portion thereof, of cattle or other live stock, except as provided, prohibited.

That no railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other live stock, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any cattle or other live stock, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any cattle or other live stock, except as hereinafter provided. (33 Stat. 1264.)

See notes to preceding section of this act, *ante*, sec. 181.

Sec. 183. (Act March 3, 1905, ch. 1496, sec. 3.) Rules and regulations for inspection, disinfection, certification, etc., and delivery and shipment of cattle or other live stock from quarantined State, etc., or quarantined portion thereof; notice of rules and regulations.

That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of cattle or other live stock from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or

Territory or the District of Columbia; and the Secretary of Agriculture shall give notice of such rules and regulations in the manner provided in section two of this Act for notice of establishment of quarantine. (33 Stat. 1265.)

See notes to section 1 of this act, *ante*, sec. 181.

Sec. 184. (Act March 3, 1905, ch. 1496, sec. 4.) Moving cattle or other live stock from quarantined State, etc., or portion thereof, under rules and regulations therefor.

That cattle or other live stock may be moved from a quarantine State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section three of this Act; but it shall be unlawful to move, or to allow to be moved, any cattle or other live stock from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. (33 Stat. 1265.)

See notes to section 1 of this act, *ante*, sec. 181.

Sec. 185. (Act March 3, 1905, ch. 1496, sec. 6.) Punishment for violations of provisions of sections 2 or 4 of act.

That any person, company, or corporation violating the provisions of sections two or four of this Act shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment. (33 Stat. 1265.)

See notes to section 1 of this act, *ante*, sec. 181.

Sec. 186. (Act June 30, 1914, ch. 131.) Extension of Act March 3, 1905, to carriers forming any part of route over which live stock are transported from a quarantined State, etc., or portion thereof.

That hereafter all the provisions of the said Act approved March third, nineteen hundred and five, shall apply to any railroad company or other common carrier, whose road or line forms any part of a route over which cattle or other live stock are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia. (38 Stat. 419.)

This was a provision of the agricultural appropriation act for the fiscal year 1915, cited above. A provision in the same words was contained in the similar appropriation act for the preceding fiscal year.

Act March 3, 1905, ch. 1496, mentioned in this section, is set forth, *ante*, secs. 181-185.

Sec. 187. (Act March 3, 1891, ch. 555, sec. 1.) Inspection of cattle for export; inspector's certificate of condition of cattle; no clearance to vessel having on board cattle for export without inspector's certificate.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle intended for export to foreign countries from

the United States, at such times and places, and in such manner, as he may think proper, with a view to ascertain whether such cattle are free from disease; and for this purpose he may appoint inspectors, who shall be authorized to give an official certificate clearly stating the condition in which such animals are found, and no clearance shall be given to any vessel having on board cattle for exportation to a foreign country unless the owner or shipper of such cattle has a certificate from the inspector herein authorized to be appointed; stating that said cattle are sound and free from disease. (26 Stat. 1089).

This was a section of an act entitled "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes," cited above.

This section may be regarded as superseded by the reenactment substantially of its provisions in Acts June 30, 1906, ch. 3913, reenacted and made permanent by Act March 4, 1907, ch. 2907, pars. 10-12, *post*, sec. 212.

Sections 2-7 of this act, providing for inspection and certification of cattle whose meat was intended for exportation, and for inspection of cattle, etc., which were subjects of interstate commerce and about to be slaughtered and whose carcasses or products thereof were to be transported into another State, etc., and for examination, marking, etc., of the carcasses and products of cattle, etc., which are subjects of interstate commerce, are set forth, *post*, secs. 205-210.

Sec. 188. (Act August 30, 1890, ch. 839, sec. 6.) Importation of diseased, etc., cattle, etc., prohibited; punishment.

That the importation of neat cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is hereby prohibited; and any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation with the knowledge of the master or owner of said vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States. (26 Stat. 416).

This section and the four sections next following were parts of an act entitled "An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes," cited above.

Section 1 of this act, providing for inspection of salted pork and bacon intended for export, is set forth, *post*, sec. 204.

Sections 2 and 3 of this act, making unlawful and punishable the importation of adulterated or unwholesome food, drugs, or liquors, and providing for forfeiture of such articles imported, may be regarded as superseded by the Food and Drugs Act of June 30, 1906, ch. 3915, and are set forth in a note to section 1 thereof, *post*, sec. 266.

Section 4 of this act, authorizing suspension of importation of any adulterated article of food and drink, is set forth, *post*, sec. 263.

Section 5 of this act, authorizing suspension of importation of products of countries making unjust discriminations against products of the United States, is omitted.

This act was amended by provisions of Act August 10, 1917, ch. 52, sec. 9, *post*, sec. 193, so as to authorize the admission into the United States, for immediate slaughter, at designated ports of entry, of tick-infested cattle which are otherwise free from disease and not exposed to infection within 60 days before their exportation, from Mexico, South and

Central America, the islands of the Gulf of Mexico and the Caribbean Sea, subject to the provisions of sections 7, 8, 9, and 10 of this Act.

Appropriations for carrying out the provisions of this act "providing for the importation of animals into the United States," were made annually in the agricultural appropriation acts for the fiscal years 1910 and thereafter.

Sec. 189. (Act August 30, 1890, ch. 839, sec. 7.) Quarantine of imported cattle, etc.

That the Secretary of Agriculture be, and is hereby, authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described; and for this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances now in use for the quarantine of neat cattle, and hereafter purchase, construct, or rent as may be necessary, and he may appoint veterinary surgeons, inspectors, officers, and employees by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of this act. (26 Stat. 416.)

Sec. 190. (Act August 30, 1890, ch. 839, sec. 8.) Importation of cattle, etc., except at quarantine ports prohibited; slaughter of infected animals; appraisal; payment.

That the importation of all animals described in this act into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is hereby prohibited; and the Secretary of Agriculture may cause to be slaughtered such of the animals named in this act as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals; and that the value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by the agreement of the Secretary of Agriculture and owners thereof, if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide between them, and his decision shall be final; and the amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of this act. If any animal[s] subject to quarantine according to the provisions of this act are brought into any port of the United States where no quarantine station is established the collector of such port shall require the same to be conveyed by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner. (26 Stat. 416.)

Sec. 191. (Act August 30, 1890, ch. 839, sec. 9.) Suspension of importation of all animals.

That whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend

the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful. (26 Stat. 416.)

Sec. 192. (Act August 30, 1890, ch. 839, sec. 10.) Inspection of animals imported or intended for export.

That the Secretary of Agriculture shall cause careful inspection to be made by a suitable officer of all imported animals described in this act, to ascertain whether such animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture; and all food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture; and the Secretary of Agriculture may cause inspection to be made of all animals described in this act intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all head-ropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, they shall not be allowed to be placed upon any vessel for exportation: the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported. (26 Stat. 417.)

Sec. 193. (Act August 10, 1917, ch. 52, sec. 9, as amended by Act November 21, 1918, ch. 212, sec. 3.) Admission of tick-infested cattle from Mexico, South and Central America, the islands of the Gulf of Mexico, and the Caribbean Sea; conditions; importation from countries where foot-and-mouth disease exists prohibited; cattle imported to be slaughtered in accordance with Meat Inspection Act; disposition of hides; slaughter of such cattle imported into Porto Rico; exportation of tick-infested cattle from Virgin Islands to Porto Rico.

That the Act of August thirtieth, eighteen hundred and ninety, entitled 'An Act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes' (Twenty-sixth Statutes at Large, page four hundred and fourteen), is hereby amended so as to authorize the Secretary of Agriculture, within his discretion and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission into the United States for immediate slaughter at ports of entry to be designated in said joint regulations of tick-infested cattle which are otherwise free from disease and which have not been exposed to the infection of any other disease within sixty days next before their exportation from Mexico, South and Central America,

the islands of the Gulf of Mexico and the Caribbean Sea, subject to the provisions of sections seven, eight, nine, and ten of said Act of August thirtieth, eighteen hundred and ninety: *Provided*, That the importation of tick-infested cattle from any country referred to in this section in which foot-and-mouth disease exists, which existence shall be determined by the Secretary of Agriculture, is prohibited: *Provided further*, That all cattle imported under the provisions of this section shall be slaughtered in accordance with the provisions of the Act of June thirtieth, nineteen hundred and six (Thirty-fourth Statutes at Large, page six hundred and seventy-four), commonly called the meat-inspection amendment, and the rules and regulations promulgated thereunder by the Secretary of Agriculture, and that their hides shall be disposed of under rules and regulations to be prescribed by the Secretary of Agriculture: *And provided further*, That the slaughter of all such cattle imported into the Territory of Porto Rico may be deferred for such time and under such restrictions as the Secretary of Agriculture may by regulation prescribe, and that the Secretary of Agriculture, within his discretion and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, may permit the exportation of tick-infested cattle from the Virgin Islands to Porto Rico when said cattle are otherwise free from disease. (40 Stat. 275, 1048.)

This was a section of an act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," cited above, as amended by an act entitled "An act to enable the Secretary of Agriculture to carry out, during the fiscal year ending June thirtieth, nineteen hundred and nineteen, the purposes of the Act entitled 'An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products,' and for other purposes," also cited above. The changes effected by the amending act were as follows: The insertion of the words "into the United States," after the word "admission" in the tenth line of the section; the insertion of the words "to be designated in the said joint regulations," after the word "entry," also in the tenth line; the omission of the words "into those parts of the United States below the cattle-quarantine line, at such ports of entry as may be designated by said joint regulations and also," after the words "Caribbean Sea" in the fourteenth line of the section; and the addition of the final proviso above.

Act of August 30, 1890, ch. 839, mentioned in this section, was previously amended by a provision of Act March 4, 1911, ch. 238, 36 Stat. 1240, which read as follows:

"The Act of August thirtieth, eighteen hundred and ninety, is hereby amended so as to authorize the Secretary of Agriculture, within his discretion, and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission of tick-infested cattle from Mexico into that part of Texas below the southern cattle-quarantine line."

The provisions of Act August 30, 1890, ch. 839, secs. 6-10, relating to the importation of cattle, etc., mentioned in and amended by these provisions, are set forth *ante*, secs. 188-192.

The Meat Inspection Act of June 30, 1906, ch. 3913, as reenacted and made permanent by Act March 4, 1907, ch. 2907, mentioned in this section, is set forth *post*, sec. 212.

Sec. 194. (Act May 26, 1910, ch. 256.) Fences along international boundary lines to keep out diseased animals.

Hereafter the Secretary of Agriculture may permit the erection of fences along international boundary lines, but entirely within the

territory of the United States, for the purpose of keeping out diseased animals. (36 Stat. 440.)

This was a provision of the agricultural appropriation act for the fiscal year 1911, cited above.

Sec. 195. (Act September 21, 1922, ch. 356, sec. 306.) Importation of neat cattle and hides thereof prohibited; suspension of prohibition as to countries free from infectious diseases; punishment for violations.

(a) That the importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited under such rules of inspection as the Secretary of Agriculture may determine.

(b) If the Secretary of Agriculture shall determine that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States, he shall officially notify the Secretary of the Treasury and give public notice that the operation of subdivision (a) of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries.

(c) That any person convicted of a willful violation of any of the provisions of the preceding subsection shall be fined not exceeding \$500, or imprisoned not exceeding one year, or both, in the discretion of the court. (42 Stat. 937.)

These were provisions of the Tariff Act of 1922, cited above. Similar provisions were contained in previous tariff acts.

Provisions prohibiting the importation of diseased or exposed neat cattle, sheep, and other ruminants, and swine, and for the quarantine and inspection of imported animals at authorized ports of entry, and for the suspension of the importation of all or any class of animals, were contained in Act August 30, 1890, ch. 839, secs. 6-10, *ante*, secs. 188-192.

Sec. 196. (Act June 29, 1906, ch. 3594, sec. 1.) Transportation of animals from one State, etc., into or through another; limitation of time of confinement in cars, boats, or vessels; unloading for rest, water, and feeding; extension of time on request of owner, etc.; sheep not required to be unloaded in nighttime.

That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of

confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this Act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours. (34 Stat. 607.)

This section and the four sections next following were an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections forty-three hundred and eighty-six, forty-three hundred and eighty-seven, forty-three hundred and eighty-eight, forty-three hundred and eighty-nine, and forty-three hundred and ninety of the United States Revised Statutes," cited above.

Appropriations for carrying out the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1909 and thereafter.

Sec. 197. (Act of June 29, 1906, ch. 3594, sec. 2.) Animals unloaded to be fed and watered at expense of owner, etc.; lien of railroad company, etc., for food, care, and custody; owner, etc., may furnish food.

That animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section one of this Act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires. (34 Stat. 608.)

Sec. 198. (Act June 29, 1906, ch. 3594, sec. 3.) Penalty for failure to comply with provisions of two preceding sections; provisions for handling not to apply where animals have proper food, water, space, and opportunity to rest.

That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper

food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply. (34 Stat. 608.)

Sec. 199. (Act June 29, 1906, ch. 3594, sec. 4.) Penalty recoverable by civil action; duty of district attorneys to prosecute.

That the penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this Act reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means. (34 Stat. 608.)

Sec. 200. (Act June 29, 1906, ch. 3594, sec. 5.) Repeal of R. S. secs. 4386-4390.

That sections forty-three hundred and eighty-six, forty-three hundred and eighty-seven, forty-three hundred and eighty-eight, forty-three hundred and eighty-nine, and forty-three hundred and ninety of the Revised Statutes of the United States be, and the same are hereby, repealed. (34 Stat. 608.)

The provisions of R. S. secs. 4386-4390, repealed by this section, were similar to, but less comprehensive than, those of this act.

Sec. 201. (Act March 3, 1891, ch. 521, sec. 1.) Examination of vessels carrying export cattle; rules as to accommodations for safe and proper transportation and humane treatment.

That the Secretary of Agriculture is hereby authorized to examine all vessels which are to carry export cattle from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, as to space, ventilation, fittings, food and water supply and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals. (26 Stat. 833.)

This section and the section next following were an act entitled "An act to provide for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes," cited above.

Appropriations for carrying out the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1903-1906, inclusive, and the fiscal year 1909 and each year thereafter.

Sec. 202. (Act March 3, 1891, ch. 521, sec. 2.) Punishment for violations of rules.

That whenever the owner, owners, or master of any vessel carrying export cattle shall willfully violate or cause or permit to be violated any rule, regulation or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly. (26 Stat. 833.)

Sec. 203. (Act September 21, 1922, ch. 356, sec. 201.) Determination and certification by the Secretary of Agriculture of the pure breeding of animals imported for breeding purposes.

That on and after the day following the passage of this Act, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs, when imported into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila), shall be exempt from duty:

* * * * *

Par. 1506. Any animal imported by a citizen of the United States specially for breeding purposes, shall be admitted free, whether intended to be used by the importer himself or for sale for such purposes, except black or silver foxes: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed: *Provided further*, That the certificate of such record and pedigree of such animal shall be produced and submitted to the Department of Agriculture, duly authenticated by the proper custodian of such book of record, together with an affidavit of the owner, agent, or importer that the animal imported is the identical animal described in said certificate of record and pedigree. The Secretary of Agriculture may prescribe such regulations as may be required for determining the purity of breeding and the identity of such animal: *And provided further*, That the collectors of customs shall require a certificate from the Department of Agriculture stating that such animal is pure bred of a recognized breed and duly registered in a book of record recognized by the Secretary of Agriculture for that breed.

The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. (42 Stat. 922, 923.)

These were provisions of the Tariff Act of 1922, cited above. Similar provisions were contained in previous tariff acts.

CHAPTER 5.

MEATS AND MEAT AND DAIRY PRODUCTS.

Sec. 204. (Act August 30, 1890, ch. 839, sec. 1.) Inspection of salted pork and bacon for export; inspector's certificate and identification marks, etc.; forgery, etc., of marks or certificates; penalty.

That the Secretary of Agriculture may cause to be made a careful inspection of salted pork and bacon intended for exportation, with a view to determining whether the same is wholesome, sound, and fit for human food whenever the laws, regulations, or orders of the Government of any foreign country to which such pork or bacon is to be exported shall require inspection thereof relating to the importation thereof into such country, and also whenever any buyer, seller, or exporter of such meats intended for exportation shall request the inspection thereof.

Such inspection shall be made at the place where such meats are packed or boxed, and each package of such meats so inspected shall bear the marks, stamps, or other device for identification provided for in the last clause of this section: *Provided*, That an inspection of such meats may also be made at the place of exportation if an inspection has not been made at the place of packing, or if, in the opinion of the Secretary of Agriculture, a re-inspection becomes necessary. One copy of any certificate issued by any such inspector shall be filed in the Department of Agriculture; another copy shall be attached to the invoice of each separate shipment of such meat, and a third copy shall be delivered to the consignor or shipper of such meat as evidence that packages of salted pork and bacon have been inspected in accordance with the provisions of this act and found to be wholesome, sound, and fit for human food; and for the identification of the same such marks, stamps, or other devices as the Secretary of Agriculture may by regulation prescribe shall be affixed to each of such packages.

Any person who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in this section on any package of any such meats, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface, or destroy any certificate in reference to meats provided for in this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court. (26 Stat. 414.)

This was the first section of an act entitled "An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes," cited above.

Sections 2 and 3 of this act, making unlawful and punishable the importation of adulterated or unwholesome food, drugs, or liquors, may be regarded as superseded by the Food and Drugs Act of June 30, 1906, ch. 3915, and are set forth in a note to section 1 thereof, *post*, sec. 263.

Section 4 of this Act, authorizing suspension of importation of any adulterated article of food and drink, is set forth, *post*, sec. 263.

Section 5 of this act authorizing suspension of importation of products of countries making unjust discriminations against products of the United States, is omitted.

Sections 6-10 of this act, prohibiting and making punishable the importation of diseased or exposed cattle, etc., and providing for the quarantine of all imported cattle, etc., and the disposition of diseased or exposed animals, are set forth, *ante*, secs. 188-192.

The provisions of this section and also those of Act March 3, 1891, ch. 555, secs. 2-7, as amended by Act March 2, 1895, ch. 169, *post*, secs. 205-210, were made to apply to process or renovated butter, by Act May 9, 1902, ch. 784, sec. 5, *post* sec. 219.

This section was probably superseded by the more comprehensive provisions of Act June 30, 1906, ch. 3913, as made permanent by Act March 4, 1907, ch. 2907, *post*, sec. 212.

Appropriations for carrying out the provisions of this act "providing for an inspection of meats and animals," were made in the Agricultural appropriation acts for the fiscal years 1902 to 1906, inclusive. Such appropriations were discontinued with the similar act for the fiscal years 1907, Act June 30, 1906, ch. 3913, which contained comprehensive provisions for inspection of cattle, etc., whose meat, etc., is to be used in interstate or foreign commerce, and for inspection, etc., of the carcasses thereof to be prepared for interstate or foreign commerce, which provisions, as reenacted and made permanent by Act March 4, 1907, ch. 2907, are set forth, *post*, sec. 212.

Sec. 205. (Act March 3, 1891, ch. 555, sec. 2, as amended by Act March 2, 1895, ch. 169.) Inspection of cattle whose meat is to be exported; certificate of condition.

That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended for exportation to any foreign country, at such times and places, and in such manner as he may think proper, with a view to ascertain whether said cattle are free from disease, and their meat sound and wholesome, and may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found, and no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef being the meat of cattle killed after the passage of this Act for exportation to and sale in a foreign country from any port in the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this Act a certificate that said cattle were free from disease and that their meat is sound and wholesome. (26 Stat. 1090, 28 Stat. 732.)

This section and the five sections next following were part of an act entitled "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes," cited above.

This section, as originally enacted, read as follows:

"That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which is intended for exportation to any foreign country, at such times and places, and in such manner, as he may think proper, with a view to ascertain whether said cattle are free from disease and their meat sound and wholesome, and may appoint inspectors, who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found, and no clearance shall be given to any vessel having on board any fresh beef for

exportation to and sale in a foreign country from any port of the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate."

Section 1 of this act, providing for the inspection of cattle for export, is set forth, *ante*, sec. 187.

All parts of this act, as amended, which are applicable to the subject and purposes described in section 5 of Act May 9, 1902, ch. 784, providing for inspection, etc., of process or renovated butter were made to apply to such products for export by a provision of said section, *post*, sec. 219.

This act was to be deemed to include dairy products intended for exportation, and the Secretary of Agriculture was authorized to apply the provisions of said act for inspection, certification, etc., to such products, by provisions of Act May 23, 1908, ch. 192, *post*, sec. 218.

Appropriations for carrying out the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1893 to 1906, inclusive. Such appropriations were discontinued in the similar act for the fiscal year 1907, Act June 30, 1906, ch. 3913, which enacted provisions similar to those of this act. Said provisions, as reenacted and made permanent by Act March 4, 1907, ch. 2907, are set forth, *post*, sec. 212.

Sec. 206. (Act March 3, 1891, ch. 555, sec. 3.) Inspection of cattle, sheep, and hogs subjects of interstate commerce whose carcasses or products are to be transported into another State or Territory.

The Secretary of Agriculture shall cause to be inspected prior to their slaughter, all cattle, sheep, and hogs which are subjects of interstate commerce and which are about to be slaughtered at slaughter-houses, canning, salting, packing or rendering establishments in any State or Territory, the carcasses or products of which are to be transported and sold for human consumption in any other State or Territory, or the District of Columbia, and in addition to the aforesaid inspection, there may be made in all cases where the Secretary of Agriculture may deem necessary or expedient, under rules and regulations to be by him prescribed, a post mortu[e]m examination of the carcasses of all cattle, sheep and hogs about to be prepared for human consumption at any slaughter-house, canning, salting, packing or rendering establishment in any State or Territory, or the District of Columbia which are the subjects of interstate commerce. (26 Stat. 1090.)

See notes to preceding section.

Sec. 207. (Act March 3, 1891, ch. 555, sec. 4, as amended by Act March 2, 1895, ch. 169.) Rules and regulations for examination of carcasses and products of cattle, sheep, and swine; identification marks; forgery, etc., of marks, etc., and certificates; punishment.

That said examination shall be made in the manner provided by rules and regulations to be prescribed by the Secretary of Agriculture, and after said examination the carcasses and products of all cattle, sheep, and swine found to be free of disease and wholesome, sound, and fit for human food shall be marked, stamped, or labeled for identification as may be provided by said rules and regulations of the Secretary of Agriculture. Any person who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in the regulations of the Secretary of Agriculture, of any such carcasses or their products, or who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any certificate or stamp provided in said regulations, shall

be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court. (26 Stat. 1090, 28 Stat. 732.)

See notes to section 2 of this act, *ante*, sec. 205.

This section as originally enacted did not contain the words "simulate, imitate, falsely represent, or use without authority", after the words at the beginning of the second sentence, "Any person who shall forge, counterfeit", as set forth here.

Sec. 208. (Act March 3, 1891, ch. 555, sec. 5.) Transporting unsound carcasses into another State or Territory prohibited; punishment.

That it shall be unlawful for any person to transport from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or for any person to deliver to another for transportation from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia the carcasses of any cattle, sheep, or swine, or the food products thereof, which have been examined in accordance with the provisions of sections three and four of this act, and which on said examination have been declared by the inspector making the same to be unsound or diseased. Any persons violating the provisions of this section shall be deemed guilty of a misdemeanor and punished for each offense as provided in section four of this act. (26 Stat. 1090.)

See notes to section 2 of this act, *ante*, sec. 205.

Rules and regulations to prevent the transportation from one State, etc., to another of condemned carcasses, etc., of cattle, etc., in violation of the provisions of this act were authorized by provisions of Act March 2, 1895, ch. 169, *post*, sec. 211.

Sec. 209. (Act March 3, 1891, ch. 555, sec. 6.) Official certificates for sound cattle, etc., and their carcasses and products.

That the inspectors provided for in sections one and two of this act shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, and swine, their carcasses and products described in sections three and four of this act, and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, and swine, or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made. (26 Stat. 1090.)

See notes to section 2 of this act, *ante*, sec. 205.

Waiver of the requirement of a certificate was authorized by Act March 4, 1907, ch. 1907, pars. 12, 15, *post*, sec. 212.

Sec. 210. (Act March 3, 1891, ch. 555, sec. 7.) Act not to apply to cattle, etc., slaughtered by farmers on farms; carcasses of cattle, etc., going to packing, etc., establishments and intended for transportation to another State, etc., subject to post-mortem inspection.

That none of the provisions of this act shall be so construed as to apply to any cattle, sheep, or swine slaughtered by any farmer upon his farm, which may be transported from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia: *Provided, however*, That if the carcasses of such cattle, sheep, or swine go to any packing or canning establishment

and are intended for transportation to any other State or Territory or the District of Columbia as hereinbefore provided, they shall there be subject to the post mortem examination provided for in sections three and four of this act. (26 Stat. 1091.)

See notes to section 2 of this act, *ante*, sec. 205.

Sec. 211. (Act March 2, 1895, ch. 169.) Regulations to prevent the transportation from one State, etc., to another of condemned carcasses, etc., of cattle, etc.; violation of act; punishment.

The Secretary of Agriculture is hereby authorized to make such rules and regulations as he may decide to be necessary to prevent the transportation from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or to any foreign country, of the condemned carcasses or parts of carcasses of cattle, sheep, and swine, which have been inspected in accordance with the provisions of this Act. Any person, company, or corporation owning or operating any such slaughter-house, abattoir, or meat curing, packing, or canning establishment, or any employee of the same, that shall willfully violate any provision of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished for each offense by a fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court. (28 Stat. 732.)

These were provisions of the agricultural appropriation act for the fiscal year 1896, cited above, following provisions expressly amending Act March 3, 1891, ch. 555, secs. 2, 4, *ante*, secs. 205, 207, which amendments are incorporated into the sections so amended. The words "the provisions of this Act," and "any provision of this Act," refer evidently to the provisions of said Act March 3, 1891, ch. 555, as so amended by this act.

Sec. 212. (Act March 4, 1907, ch. 2907.) (1) Inspection of meat and meat-food products for use in interstate and foreign commerce; examination of cattle, swine, sheep, and goats before slaughtering; diseased animals to be slaughtered separately and carcasses examined.

FOR MEAT INSPECTION: That hereafter, for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture, as herein provided for.

(2) Post-mortem examination of carcasses, etc., of cattle, sheep, swine, and goats at slaughtering, packing, etc., establishments, and marking, etc., thereof; destruction of carcasses, etc., condemned; rein-spection.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that pur-

pose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

- (3) Examination of carcasses, etc., brought into slaughtering, packing, etc., establishments, and meat food products issued from and returned to such establishments.

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

- (4) Inspectors of meat food products; appointment and authority; marks, etc., of inspection of such products; meat food products for export.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establish-

ment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat, or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That subject to the rules and regulations of the Secretary of Agriculture the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this Act.

- (5) Labeling receptacles or coverings of meat or meat food products; sales under false names forbidden; trade names permitted.

That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of this Act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this Act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

- (6) Sanitary inspection and regulation of slaughtering, packing, etc., establishments; rejection of meat or meat food products unfit for food from insanitary conditions.

The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all

slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed."

- (7) Examination of cattle, etc., and food products thereof, slaughtered and prepared during nighttime.

That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products is conducted during the nighttime.

- (8) Transportation in interstate or foreign commerce of carcasses, etc., meat, or meat food products not inspected, etc., and marked in accordance with act.

That on and after October first, nineteen hundred and six, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "Inspected and passed," in accordance with the terms of this Act and with the rules and regulations prescribed by the Secretary of Agriculture: *Provided*, That all meat and meat food products on hand on October first, nineteen hundred and six, at establishments where inspection has not been maintained or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

- (9) Forgery, alteration, unauthorized use, etc., of marks, etc., labels, or other identification devices, or of certificates, prohibited.

That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this Act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this Act, or any certificate in relation thereto, authorized or required by this Act or by the said rules and regulations of the Secretary of Agriculture.

(10) Inspection of cattle, sheep, swine, and goats for export.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

(11) Inspectors of cattle, etc., for export; certificates of condition.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

(12) No clearance to vessel having on board cattle, etc., for export without inspector's certificate; waiver or requirement of certificate.

And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

(13) Inspection of carcasses, etc., of cattle, etc., meat of which is intended for export.

That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

(14) Inspectors of carcasses, etc., of cattle, etc., meat of which is intended for export; certificates of condition.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

(15) No clearance to vessel having on board meat, etc., for export without inspector's certificate; waiver of requirement of certificate.

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this Act, or except as hereinbefore provided for exports to and sale in a foreign country from any port of the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this Act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

(16) Delivery of inspectors' certificates and of copies thereof.

That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein

described; and one copy of every certificate granted under the provisions of this Act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

- (17) Transportation or sale, etc., of meat or meat food products in interstate commerce without complying with provisions of act prohibited.

That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, or operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this Act.

- (18) Violation of provisions of act; punishment.

That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding ten thousand dollars or imprisonment for a period of not more than two years, or by both such fine and imprisonment, in the discretion of the court.

- (19) Inspectors to make examinations provided for by act; appointment; duties; regulations for execution of provisions of act.

That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this Act, and all inspections and examinations made under this Act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this Act.

- (20) Bribery of or gifts, etc., to inspectors or other officers, etc., under act, and acceptance of gifts, etc., by such inspectors or other officers, etc.; punishment.

That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years.

- (21) Provisions requiring inspection not to apply to farmers, retailers, etc.; sale or transportation in interstate or foreign commerce of meat or meat food products unfit for food, punishment; maintenance of inspection as to retailers, farmers, etc., authorized, notwithstanding exception.

That the provisions of this Act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: *Provided also*, That the Secretary of Agriculture is authorized to maintain the inspection in this Act provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this Act shall apply notwithstanding this exception.

(22) Statement in annual estimates as to persons employed in inspections, their compensation and expenses.

And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed. (34 Stat. 1260.)

These were provisions enacted in the agricultural appropriation act for the fiscal year 1908 cited above in connection with appropriations under the heading "Bureau of Animal Industry." These provisions were originally enacted in the same language, except the word "hereafter" at the beginning of the first paragraph as set forth here, in the similar appropriation act for the preceding fiscal year, Act June 30, 1906, ch. 3913, 34 Stat. 674.

A permanent appropriation of \$3,000,000 for expenses of the inspection provided for and to carry into effect the provisions of the act relating to meat inspection, made by Act June 30, 1906, ch. 3913, is set forth, *post*, sec. 213. Subsequent appropriations for additional expenses in carrying out these provisions were made annually in the agricultural appropriation acts for the fiscal years 1914 and thereafter.

Previous provisions for inspection of salted pork and bacon intended for export were made by Act August 30, 1890, ch. 839, sec. 1, *ante*, sec. 204.

Previous provisions for inspection of all live cattle whose meat, fresh or prepared, was intended for exportation, and for inspection prior to slaughter, and for post-mortem examination of the carcasses, of all cattle, sheep, and hogs whose carcasses or products thereof were to be transported into another state, etc., were made by Act March 3, 1891, ch. 555, secs. 2-7, *ante*, secs. 205-210.

Previous provisions for the inspection of animals intended for export, similar to those of paragraphs 10-12 of this act, with additional provisions for disinfection of vessels, etc., used in conveyance of such animals, were made by Act August 30, 1890, ch. 839, sec. 10, *ante*, sec. 192.

Other and previous provisions for inspection of cattle intended for export, almost identical with those of paragraphs 10-12 of this act, made by Act March 3, 1891, ch. 555, sec. 1, *ante*, sec. 187, may be regarded as superseded by said paragraphs.

A provision of the agricultural appropriation act for the fiscal year 1901, Act May 25, 1900, ch. 555, 31 Stat. 202, authorizing the Secretary of Agriculture to waive the requirement of a certificate of inspection with beef and other products exported to countries not requiring inspection, was repeated in the subsequent similar acts down to and including that for the fiscal year 1906. Said provision may be regarded as superseded by the provisions for such waiver made by paragraphs 12 and 15 of this act, reenacting the identical provisions of Act June 30, 1906.

The provisions of the meat inspection law were extended to the inspection of reindeer, by Act June 30, 1914, ch. 131, *post*, sec. 214.

The transportation from one state, etc., to another, or to a foreign country, of equine meat or food products thereof, unless labeled as such, was prohibited, and all the penalties, terms, and provisions of the Meat Inspection Act except the exemption applying to animals slaughtered by any farmer on a farm, to retail butchers and retail dealers supplying their customers, were made applicable to horses, their carcasses, and meat food products thereof, and establishments where such animals are slaughtered or the meat or food products thereof are prepared or packed for interstate or foreign commerce, and to all persons, etc., who slaughter such animals or prepare, etc., such meat or meat food products for interstate or foreign commerce, by Act July 24, 1919, ch. 26, *post*, sec. 215.

The sanitary provisions for slaughtering, etc., establishments were extended to cover renovated butter factories by Act August 10, 1912, ch. 284, *post*, sec. 220.

A provision of Act May 26, 1910, ch. 256, 36 Stat. 440, requiring the Secretary of Agriculture to transmit annually detailed estimates for all executive officers, clerks, and other employees in the various bureaus, offices, and divisions of the Department, was not to apply to such employees in the meat-inspection service, by Act August 10, 1912, ch. 284,

37 Stat. 301. A provision very similar to that in said Act May 26, 1910, with a further requirement that with such estimates there be included a statement of all such officers, clerks, and employees below its grade of clerk employed during the last completed fiscal year on any lump-fund appropriation, but not making any exception of meat-inspection employees, was contained in Act August 11, 1916, ch. 313, *ante*, sec. 145.

Sec. 213. (Act June 30, 1906, ch. 3913.) Permanent appropriation for expenses of inspection of cattle, etc., and meat and meat food products thereof in interstate and foreign commerce, and for carrying into effect provisions relating to meat inspection.

That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of three million dollars, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of this Act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. (34 Stat. 679.)

This provision was part of the last paragraph of the Meat Inspection Act of June 30, 1906, ch. 3913, cited above. The preceding provisions of that act relating to meat inspection, which are mentioned in this provision, were repeated and reenacted in permanent form in the Meat Inspection Act of 1907, Act March 4, 1907, ch. 2907, *ante*, sec. 212. Subsequent appropriations for additional expenses in carrying out the provisions of the Meat Inspection Act were made annually in the agricultural appropriation acts for the fiscal years 1914 and thereafter.

A provision following the permanent appropriation set forth here, requiring a statement in the annual estimates of the persons employed in such inspections, was repeated in Act March 4, 1907, ch. 2907, *ante*, sec. 212 (22).

Sec. 214. (Act June 30, 1914, ch. 131.) Extension of meat-inspection provisions to inspection of reindeer.

That the provisions of the meat-inspection law may be extended to the inspection of reindeer. (38 Stat. 420.)

This was a provision of the agricultural appropriation act for the fiscal year 1915, cited above.

The provisions of the meat inspection law, Act March 4, 1907, ch. 2907, referred to in this provision, are set forth, *ante*, sec. 212.

Sec. 215. (Act July 24, 1919, ch. 26.) Transportation, etc., from one State, etc., to another, or to a foreign country, of equine meat or meat food products thereof unless so labeled, etc., prohibited: Meat Inspection Act made applicable to horses, their carcasses, etc.

MEAT INSPECTION, BUREAU OF ANIMAL INDUSTRY: For additional expenses in carrying out the provisions of the meat-inspection Act of June 30, 1906 (Thirty-fourth Statutes at Large, page 674), as amended by the Act of March 4, 1907 (Thirty-fourth Statutes at Large, page 1256), there is hereby appropriated for the fiscal year ending June 30, 1920, \$903,960, of which sum \$100,000 may be used for the inspection of equine meat in the manner provided in said Act, as amended. And, hereafter, no person, firm, or corporation or officer, agent, or employee thereof shall transport or offer for transportation, and no carrier of interstate or foreign commerce, shall transport or receive for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia or to any place under the jurisdiction of the United States or to any foreign country any of such meat or food products thereof unless plainly and conspicuously labeled, marked, branded or tagged "Horse-meat" or "Horse-meat Product" as the case may be, under such rules and regulations as may be prescribed by the Secre-

tary of Agriculture. All the penalties, terms and provisions in said Act, as amended, except the exemption therein applying to animals slaughtered by any farmer on a farm, to retail butchers and retail dealers in meat food products supplying their customers are hereby made applicable to horses, their carcasses, parts of carcasses and meat food products thereof, and the establishments and other places where such animals are slaughtered or the meat or meat food products thereof are prepared or packed for the interstate or foreign commerce, and to all persons, firms, corporations and officers, agents and employees thereof who slaughter such animals or prepare or handle such meat or meat food products for interstate or foreign commerce. (41 Stat. 241.)

These were provisions of the agricultural appropriation act for the fiscal year 1920, cited above.

The meat-inspection provisions of Act June 30, 1906, ch. 3913, as reenacted and made permanent by Act March 4, 1907, ch. 2907, referred to in these provisions, are set forth, *ante*, sec. 212.

The agricultural appropriation act for the fiscal year 1901 provided that live horses and the products and carcasses thereof should be entitled to the same inspection as other animals therein named. This provision was repeated in the same language in the similar acts for the fiscal years 1902-1904. In the similar acts for subsequent fiscal years to and including 1909 such provision was "that live horses be entitled to the same inspection as other animals herein named," omitting the words "carcasses and products thereof." No such provision was contained in the similar appropriation acts for the subsequent fiscal years.

Sec. 216. (Act July 24, 1919, ch. 26.) Payment of meat-inspection employees for overtime work; acceptance of reimbursement from establishments.

That, hereafter, the Secretary of Agriculture is authorized, in his discretion, to pay employees of the Bureau of Animal Industry employed in establishments subject to the provisions of the Meat Inspection Act of June 30, 1906, for all overtime work performed at such establishments, at such rates as he may determine, and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work. (41 Stat. 241.)

This was a provision of the agricultural appropriation act for the fiscal year 1920, cited above.

The Meat Inspection Act of June 30, 1906, ch. 3913, mentioned in this provision, as reenacted and made permanent by Act March 4, 1907, ch. 2907, is set forth, *ante*, sec. 212.

Sec. 216a. (Act January 22, 1923, ch. 28.) Reimbursement to appropriations of Department of Agriculture for inspection of meat, etc., for Navy Department.

* * * And reimbursement to appropriations of the Department of Agriculture of cost of inspection of meats and meat-food products for the Navy Department. (42 Stat. 1145.)

This was a provision of the appropriation act for the Navy Department and the naval service for the fiscal year 1924. Provisions in the same words were made in acts for several preceding fiscal years.

Sec. 217. (Act September 21, 1922, ch. 356, sec. 1.) Importation of meats forbidden unless healthful, wholesome, and fit for human food and complying with regulations of Secretary of Agriculture; imported meats subject to Meat Inspection Act and Food and Drugs Act; regulations by Secretary of Agriculture for destruction of meats refused admission and not exported.

That on and after the day following the passage of this Act, except as otherwise specially provided for in this Act, there shall be

levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila) the rates of duty which are prescribed by the schedules and paragraphs of the dutiable list of this title, namely:

* * * * *

Par. 706. Meats, fresh, prepared, or preserved, not specially provided for, 20 per centum ad valorem: *Provided*, That no meats of any kind shall be imported into the United States unless the same is healthful, wholesome, and fit for human food and contains no dye, chemical, preservative, or ingredient which renders the same unhealthful, unwholesome, or unfit for human food, and unless the same also complies with the rules and regulations made by the Secretary of Agriculture, and that, after entry into the United States in compliance with said rules and regulations, said meats shall be deemed and treated as domestic meats within the meaning of and shall be subject to the provisions of the Act of June 30, 1906 (Thirty-fourth Statutes at Large, page 674), commonly called the "Meat Inspection Amendment," and the Act of June 30, 1906 (Thirty-fourth Statutes at Large, page 768), commonly called the "Foods and Drugs Act," and that the Secretary of Agriculture be and hereby is authorized to make rules and regulations to carry out the purposes of this provision, and that in such rules and regulations the Secretary of Agriculture may prescribe the terms and conditions for the destruction of all such meats offered for entry and refused admission into the United States unless the same be exported by the consignee within the time fixed therefor in such rules and regulations. (42 Stat. 858, 891.)

These were provisions of the Tariff Act of 1922, cited above. Similar provisions were contained in the Tariff Act of 1913.

The Meat Inspection Act of June 30, 1906, ch. 3913, mentioned in this paragraph, as reenacted and made permanent by Act of March 4, 1907, ch. 2907, is set forth, *ante*, sec. 212.

The Food and Drugs Act of June 30, 1906, ch. 3915, also mentioned in this paragraph, is set forth, *post*, secs. 266-277.

Sec. 218. (Act May 23, 1908, c. 192.) Inspection of dairy products intended for export.

That the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, for the inspection of live cattle and products thereof, shall be deemed to include dairy products intended for exportation to any foreign country, and the Secretary of Agriculture may apply, under rules and regulations to be prescribed by him, the provisions of said Act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade: and all the provisions of said Act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified. (35 Stat. 254).

These were provisions of the agricultural appropriation act for the fiscal year 1900, cited above.

The provisions of Act March 3, 1891, ch. 555, secs. 2-7, as amended by Act March 2, 1895, ch. 169, referred to in these proceedings, are set forth *ante*, sections 205-211.

Previous provisions, authorizing the Secretary of Agriculture to construe the provisions of said Act March 3, 1891, ch. 555, as amended, to include dairy products intended for exportation, contained in the agricultural appropriation acts for the fiscal year 1902 and subsequent fiscal years to and including 1908, were superseded by this act.

Sec. 219. (Act May 9, 1902, ch. 784, sec. 5.) Inspection of process or renovated butter; inspection of factories, etc.; marks, etc.; transportation from one State, etc., to another or to a foreign country without marking, prohibited; punishment for violations.

All parts of an Act providing for an inspection of meats for exportation, approved August thirtieth, eighteen hundred and ninety, and of an Act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, approved March third, eighteen hundred and ninety-one, and of amendment thereto approved March second, eighteen hundred and ninety-five, which are applicable to the subjects and purposes described in this section shall apply to process or renovated butter. And the Secretary of Agriculture is hereby authorized and required to cause a rigid sanitary inspection to be made, at such times as he may deem proper or necessary, of all factories and store-houses where process or renovated butter is manufactured, packed, or prepared for market, and of the products thereof and materials going into the manufacture of the same. All process or renovated butter and the packages containing the same shall be marked with the words "Renovated Butter" or "Process Butter" and by such other marks, labels, or brands and in such manner as may be prescribed by the Secretary of Agriculture, and no process or renovated butter shall be shipped or transported from its place of manufacture into any other State or Territory or the District of Columbia, or to any foreign country, until it has been marked as provided in this section. The Secretary of Agriculture shall make all needful regulations for carrying this section into effect, and shall cause to be ascertained and reported from time to time the quantity and quality of process or renovated butter manufactured, and the character and the condition of the material from which it is made. And he shall also have power to ascertain whether or not materials used in the manufacture of said process or renovated butter are deleterious to health or unwholesome in the finished product, and in case such deleterious or unwholesome materials are found to be used in product intended for exportation or shipment into other States or in course of exportation or shipment he shall have power to confiscate the same. Any person, firm, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment not less than one month nor more than six months, or by both said punishments, in the discretion of the court. (32 Stat. 196.)

This was one of seven sections of an act, cited above, to make oleomargarine and other imitation dairy products subject to the laws of any State, etc., into which they are transported, to change the tax on oleomargarine, to impose a tax, "to provide for the inspection, and regulate the manufacture and sale of certain dairy products," and to amend Act of August 2, 1886, ch. 840, 24 Stat. 209.

Sections 1-4 and 6 and 7 of this act are omitted. Section 1 provided for jurisdiction of States, etc., over oleomargarine, etc., process or renovated butter, etc., transported thereinto. Sections 2 and 3 amended certain sections of Act August 2, 1886, ch. 840, 24 Stat. 209, imposing special taxes upon manufacturers of and dealers in oleomargarine, and a tax upon said product.

The first paragraph of section 4 of this act, defining process or renovated butter, reads as follows:

"That for the purpose of this Act 'butter' is hereby defined to mean an article of food as defined in 'An Act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August second, eighteen hundred and eighty-six; that 'adulterated butter' is hereby defined to mean a grade of butter produced by mixing, reworking, rechurning in milk or cream, refining, or in any way producing a uniform, purified, or improved product from different lots or parcels of melted or unmelted butter or butter fat, in which any acid, alkali, chemical, or any substance whatever is introduced or used for the purpose or with the effect of deodorizing or removing therefrom rancidity, or any butter or butter fat with which there is mixed any substance foreign to butter as herein defined, with intent or effect of cheapening in cost the product or any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk, or cream; that 'process butter' or 'renovated butter' is hereby defined to mean butter which has been subjected to any process by which it is melted, clarified or refined and made to resemble genuine butter, always excepting 'adulterated butter' as defined by this Act."

The remaining paragraphs of section 4 of this act imposed special taxes upon manufacturers of and dealers in process or renovated butter and adulterated butter.

The word "butter" was defined by Act August 2, 1886, ch. 840, sec. 1, 24 Stat. 209, as "the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter."

Section 6 of this act provided that wholesale dealers should keep such books and render such returns as might be required by the Commissioner of Internal Revenue.

Section 7 of this act related to the time of taking effect of the act.

The provisions of Act August 30, 1890, ch. 839, sec. 1, referred to in this section are set forth *ante*, sec. 204; and the provisions of Act March 3, 1891, ch. 555, secs. 2-7, as amended by Act March 2, 1895, ch. 169, also referred to in this section, are set forth *ante*, 205-211.

Appropriations for carrying out the provisions of this section were made annually in the agricultural appropriation acts for the fiscal years 1910 and thereafter.

Sec. 220. (Act August 10, 1912, ch. 284.) Sanitary regulation of renovated-butter factories.

That the sanitary provisions for slaughtering, meat canning, or similar establishments, as set forth in the Act of June thirtieth, nineteen hundred and six (Thirty-fourth Statutes, page six hundred and seventy-six), are hereby extended to cover renovated butter factories as defined in the Act of May ninth, nineteen hundred and two (Thirty-second Statutes, page one hundred and ninety-six), under such regulations as the Secretary of Agriculture may prescribe. (37 Stat. 273.)

This was a provision of the agricultural appropriation act for the fiscal year 1913, cited above.

The sanitary provisions for slaughtering, etc., establishments, of Act June 30, 1906, ch. 3913, mentioned in this provision, as reenacted and made permanent by Act March 4, 1907, ch. 2907, are set forth, *ante*, sec. 212.

Sanitary inspection of "all factories and storehouses where process or renovated butter is manufactured, packed or prepared for market", was required by Act May 9, 1902, ch. 784, sec. 5, referred to in this provision, *ante*, sec. 219.

CHAPTER 6.

VIRUSES, SERUMS, ANTITOXINS, AND ANALOGOUS PRODUCTS FOR DOMESTIC ANIMALS.

Sec. 221. (Act March 4, 1913, ch. 145.) (1) Sale, etc., in the District of Columbia, Territories, etc., and interstate shipment, etc., of worthless, etc., virus, serum, toxin, etc., for domestic animals, unlawful; sale, etc., for shipment of viruses, etc., unless prepared in compliance with regulations at licensed establishments, prohibited.

That from and after July first, nineteen hundred and thirteen, it shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture as hereinafter authorized.

(2) Importation of viruses, etc., without permit, and of worthless, etc., viruses, etc., prohibited.

That the importation into the United States, without a permit from the Secretary of Agriculture, of any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and the importation of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, are hereby prohibited.

(3) Inspection of imported viruses, etc.; destruction, etc., of worthless, etc., viruses, etc.

The Secretary of Agriculture is hereby authorized to cause the Bureau of Animal Industry to examine and inspect all viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are being imported or offered for importation into the United States, to determine whether such viruses, serums, toxins, and analogous products are worthless, contaminated, dangerous, or harmful, and if it shall appear that any such virus, serum, toxin, or analogous product, for use in the treatment of domestic animals, is worthless, contaminated, dangerous, or harmful,

the same shall be denied entry and shall be destroyed or returned at the expense of the owner or importer.

- (4) Rules and regulations to prevent the preparation, sale, etc., of worthless, etc., viruses, etc.; issue, etc., and revocation of licenses for establishments.

That the Secretary of Agriculture be, and hereby is, authorized to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, exchange, or shipment as aforesaid of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and to issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, intended for sale, barter, exchange, or shipment as aforesaid.

- (5) Permits for importation of viruses, etc.

The Secretary of Agriculture is hereby authorized to issue permits for the importation into the United States of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful.

- (6) Inspection of establishments for preparation of viruses, etc.; suspension of licenses.

All licenses issued under authority of this Act to establishments where such viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, shall be issued on condition that the licensee shall permit the inspection of such establishments and of such products and their preparation; and the Secretary of Agriculture may suspend or revoke any permit or license issued under authority of this Act, after opportunity for hearing has been granted the licensee or importer, when the Secretary of Agriculture is satisfied that such license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, or shipment as aforesaid, or the importation into the United States of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals.

- (7) Inspection of licensed establishments by officers, etc., of the Department of Agriculture.

That any officer, agent, or employee of the Department of Agriculture duly authorized by the Secretary of Agriculture for the purpose may, at any hour during the daytime or nighttime, enter and inspect any establishment licensed under this Act where any virus, serum, toxin, or analogous product for use in the treatment of domestic animals is prepared for sale, barter, exchange, or shipment as aforesaid.

- (8) Punishment for violations of Act.

That any person, firm, or corporation who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not exceeding

\$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. (37 Stat. 832.)

These were provisions of the agricultural appropriation act for the fiscal year 1914, cited above.

Appropriations for carrying out these provisions were made in this act, and annually in the agricultural appropriation acts thereafter.

Provision was made in the agricultural appropriation acts for a number of years past for the purchase in the open market of samples of all tuberculin, serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, the testing of the same, and the dissemination of the results of such tests in such manner as may be deemed best.

CHAPTER 7.

SEED AND GRAIN.

Sec. 222. (Act August 24, 1912, ch. 382, sec. 1.) Importation of grain and seeds adulterated or unfit for seeding, prohibited; regulations; importation under bond for recleaning; shipments of certain grains, in bond, etc., excepted.

That from and after six months after the passage of this Act the importation into the United States of seeds of alfalfa, barley, Canadian blue grass, Kentucky blue grass, awnless brome grass, buckwheat, clover, field corn, Kafir corn, meadow fescue, flax, millet, oats, orchard grass, rape, redtop, rye, sorghum, timothy, and wheat, or mixtures of seeds containing any of such seeds as one of the principal component parts, which are adulterated or unfit for seeding purposes under the terms of this Act, is hereby prohibited; and the Secretary of the Treasury and the Secretary of Agriculture shall, jointly or severally, make such rules and regulations as will prevent the importation of such seeds into the United States: *Provided, however*, That such seed may be delivered to the owner or consignee thereof under bond, to be recleaned in accordance with and subject to such regulations as the Secretary of the Treasury may prescribe, and when cleaned to the standard of purity specified in this Act for admission into the United States such seed may be released to the owner or consignee thereof after the screenings and other refuse removed from such seed shall have been disposed of in a manner prescribed by the Secretary of Agriculture: *Provided further*, That this Act shall not apply to the importation of barley, buckwheat, field corn, Kafir corn, sorghum, flax, oats, rye, or wheat not intended for seeding purposes, when shipped in bond through the United States or imported for the purpose of manufacture, but such shipment shall be subject to provisions of the Act of August fifth, nineteen hundred and nine. (37 Stat. 506.)

This section and the three sections next following were an act entitled "An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes," cited above.

Act August 5, 1909, ch. 6, mentioned at the end of this section, was the Tariff Act of 1909, which was superseded by the Tariff Act of 1913, Act October 3, 1913, ch. 16, 38 Stat. 114, and the Tariff Act of 1922, Act September 21, 1922, ch. 356, 42 Stat. 858.

The provisions of this act were made applicable to seed of vetch and ryegrass, by a provision of Act August 11, 1916, ch. 313, *post*, sec. 226.

The shipment of grain in interstate or foreign commerce is also regulated by the Grain Standards Act, Act of August 11, 1916, ch. 313, *post*, secs. 291-302.

Sec. 223. (Act August 24, 1912, ch. 382, sec. 2.) Seed considered adulterated.

That seed shall be considered adulterated within the meaning of this Act—

First. When seed of red clover contains more than three per centum by weight of seed of yellow trefoil, or any other seed of similar appearance to and of lower market value than seed of red clover.

Second. When seed of alfalfa contains more than three per centum by weight of seed of yellow trefoil, burr clover and sweet clover, singly or combined.

Third. When any kind or variety of the seeds, or any mixture described in section one of this Act, contains more than five per centum by weight of seed of another kind or variety of lower market value and of similar appearance: *Provided*, That the mixture of the seed of white and alsike clover, red and alsike clover, or alsike clover and timothy, shall not be deemed an adulteration under this section. (37 Stat. 507.)

Sec. 224. (Act August 24, 1912, ch. 382, sec. 3.) Seed considered unfit for seeding.

That seed shall be considered unfit for seeding purposes within the meaning of this Act—

First. When any kind or variety of clover or alfalfa seed contains more than one seed of dodder to five grams of clover or alfalfa seed, respectively.

Second. When any kind or variety of the seeds or any mixture described in section one of this Act contains more than three per centum by weight of seeds of weeds. (37 Stat. 507.)

This section was probably superseded by Act August 11, 1916, ch. 313, *post*, sec. 227.

Sec. 225. (Act August 24, 1912, ch. 382, sec. 4.) Violation of act; punishment; sale of seed imported for manufacturing purposes.

That any person or persons who shall knowingly violate the provisions of this Act, shall be deemed guilty of a misdemeanor and shall pay a fine of not exceeding five hundred dollars and not less than two hundred dollars: *Provided*, That any person or persons who shall knowingly sell for seeding purposes seeds or grain which were imported under the provisions of this Act for the purpose of manufacture shall be deemed guilty of a violation of this Act. (37 Stat. 507.)

Sec. 226. (Act August 11, 1916, ch. 313.) Seed of vetch and ryegrass within provisions of Act August 24, 1912, ch. 382.

Hereafter, the provisions of said Act approved August twenty-fourth, nineteen hundred and twelve, shall be applied to seed of vetch and ryegrass. (39 Stat. 453.)

This was a provision of the agricultural appropriation act for the fiscal year 1917, cited above.

Act August 24, 1912, ch. 382, mentioned in this provision, is set forth, *ante*, secs. 222-225.

Sec. 227. (Act August 11, 1916, ch. 313.) Seeds deemed unfit for seeding purposes.

Hereafter, when any kind of variety or mixture of the seeds subject to the provisions of said Act of August twenty-fourth, nineteen hundred and twelve, as hereby amended, shall contain less than sixty-five per centum of live pure seed as distinguished from dead seed, chaff, dirt, other seeds, or foreign matter, such seeds or mixtures thereof shall be deemed unfit for seeding purposes within the mean-

ing of said Act approved August twenty-fourth, nineteen hundred and twelve, and the importation of such seed or mixture thereof is prohibited: *Provided, however,* That seed of Kentucky blue grass and seed of Canada blue grass shall not be considered unfit for seed-ing purposes when they contain fifty per centum or more of live pure seed. (39 Stat. 453.)

These were further provisions of the agricultural appropriation act for the fiscal year 1917, cited above.

These provisions probably superseded Act August 24, 1912, ch. 382, sec. 3, *ante*, sec. 224.

Sec. 228. (Act April 28, 1904, ch. 1486.) Tests of samples of seeds of grass, etc.; publication of results showing adulteration or misbranding.

The Secretary of Agriculture is hereby directed to obtain in the open market, samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (*Poa compressa*) are obtained under any other name than Canada blue grass or *Poa compressa*, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale. (33 Stat. 283.)

This was a provision of the agricultural appropriation act for the fiscal year 1905. Provisions in the same words were contained in the similar appropriation acts for the subsequent fiscal years to and including 1909. Provisions for the same purpose were made in terms of appropriations in the similar acts for the fiscal year 1910 and thereafter. The provision in the act for the fiscal year 1922 read as follows:

"For studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa, and lawn-grass seeds secured in the open market, and where such samples are found to be adulterated or misbranded the results of the tests shall be published, together with the names of the persons by whom the seeds were offered for sale."

CHAPTER 8.

PLANT DISEASES AND PESTS.

Sec. 229. (Act August 20, 1912, ch. 308, sec. 1.) Importation of nursery stock without permit and certificate of foreign inspection unlawful; issue of permit; importation for Department of Agriculture; importation from countries having no official inspection.

That it shall be unlawful for any person to import or offer for entry into the United States any nursery stock unless an[d] until a permit shall have been issued therefor by the Secretary of Agriculture, under such conditions and regulations as the said Secretary of Agriculture may prescribe, and unless such nursery stock shall be accompanied by a certificate of inspection, in manner and form as required by the Secretary of Agriculture, of the proper official of the country from which the importation is made, to the effect that the stock has been thoroughly inspected and is believed to be free from injurious plant diseases and insect pests: *Provided*, That the Secretary of Agriculture shall issue the permit for any particular importation of nursery stock when the conditions and regulations as prescribed in this Act shall have been complied with: *Provided further*, That nursery stock may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe: *And provided further*, That nursery stock imported from countries where no official system of inspection for such stock is maintained may be admitted upon such conditions and under such regulations as the Secretary of Agriculture may prescribe. (37 Stat. 315.)

This was the first section of an act entitled "An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes," and known as the Plant Quarantine Act, cited above. Section 13 of this act, making an appropriation for carrying out the provisions of the act, is omitted here as temporary. Section 14 of the act, also omitted here, provided that the act should be effective on October 1, 1912, except as otherwise provided therein. Section 15 was added to this act by Act May 31, 1920, ch. 217, and is set forth *post*, sec. 241.

Appropriations for carrying into effect the provisions of this act were made annually in the agricultural appropriation acts, beginning with that for the fiscal year 1914.

Sec. 230. (Act August 20, 1912, ch. 308, sec. 2.) Notification of arrival of nursery stock at port of entry; interstate shipment from port of entry without notification unless inspected, prohibited.

That it shall be the duty of the Secretary of the Treasury promptly to notify the Secretary of Agriculture of the arrival of any nursery stock at port of entry; that the person receiving such stock at port

of entry shall, immediately upon entry and before such stock is delivered for shipment or removed from the port of entry, advise the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or the District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, of the name and address of the consignee, the nature and quantity of the stock it is proposed to ship, and the country and locality where the same was grown. That no person shall ship or offer for shipment from one State or Territory or District of the United States into any other State or Territory or District, any nursery stock imported into the United States without notifying the Secretary of Agriculture or, at his direction, the proper State, Territorial, or District official of the State or Territory or District to which such nursery stock is destined, or both, as the Secretary of Agriculture may elect, immediately upon the delivery of the said stock for shipment, of the name and address of the consignee, of the nature and quantity of stock it is proposed to ship, and the country and locality where the same was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States. (37 Stat. 316.)

Sec. 231. (Act August 20, 1912, ch. 308, sec. 3.) Importation of nursery stock without marking package as to nature and quantity of contents, country where grown, and names and addresses of shipper and consignee, prohibited.

That no person shall import or offer for entry into the United States any nursery stock unless the case, box, package, crate, bale, or bundle thereof shall be plainly and correctly marked to show the general nature and quantity of the contents, the country and locality where the same was grown, the name and address of the shipper, owner, or person shipping or forwarding the same, and the name and address of the consignee. (37 Stat. 316.)

Sec. 232. (Act August 20, 1912, ch. 308, sec. 4.) Interstate shipment of nursery stock without marking package as to nature and quantity of contents, name and address of consignee, and country where grown, unless inspected, prohibited.

That no person shall ship or deliver for shipment from one State or Territory or District of the United States into any other State or Territory or District any such imported nursery stock the case, box, package, crate, bale, or bundle whereof is not plainly marked so as to show the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where such stock was grown, unless and until such imported stock has been inspected by the proper official of a State, Territory, or District of the United States. (37 Stat. 316.)

The mailing of packages containing any plant or plant product into a State maintaining terminal inspection thereof, without marking the contents of such package on the outside, was prohibited by Act March 4, 1915, ch. 144, *post*, secs. 243-245.

Sec. 233. (Act August 20, 1912, ch. 308, sec. 5.) Restriction on importation of plants, etc., other than nursery stock; orders; hearings.

That whenever the Secretary of Agriculture shall determine that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nur-

sery stock" as defined in section six of this Act may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests, he shall promulgate his determination, specifying the class of plants and plant products the importation of which shall be restricted and the country and locality where they are grown, and thereafter, and until such promulgation is withdrawn, such plants and plant products imported or offered for import into the United States or any of its Territories or Districts shall be subject to all the provisions of the foregoing sections of this Act: *Provided*. That before the Secretary of Agriculture shall promulgate his determination that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock" as defined in section six of this Act may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests he shall, after due notice, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney. (37 Stat. 316.)

Sec. 234. (Act August 20, 1912, ch. 308, sec. 6.) "Nursery stock" defined.

That for the purpose of this act the term "nursery stock" shall include all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots. (37 Stat. 317.)

Sec. 235. (Act August 20, 1912, ch. 308, sec. 7.) Determination of existence in foreign country of locality of plant disease or insect infestation; importation of nursery stock, plants, etc., prohibited after promulgation of determination; hearings.

That whenever, in order to prevent the introduction into the United States of any tree, plant, or fruit disease or of any injurious insect, new to or not theretofore widely prevalent or distributed within and throughout the United States, the Secretary of Agriculture shall determine that it is necessary to forbid the importation into the United States of any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products from a country or locality where such disease or insect infestation exists, he shall promulgate such determination, specifying the country and locality and the class of nursery stock or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products which, in his opinion, should be excluded. Following the promulgation of such determination by the Secretary of Agriculture, and until the withdrawal of the said promulgation by him, the importation of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the said promulgation from the country and locality therein named, regardless of the use for which the same is intended, is hereby prohibited; and until the withdrawal of the said promulgation by the Secretary of Agriculture, and notwithstanding that such class of nursery stock, or other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products be accompanied by a certificate of inspection from the country of importation, no person shall import or offer for entry

into the United States from any country or locality specified in such promulgation, any of the class of nursery stock or of other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products named therein, regardless of the use for which the same is intended: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to forbid the importation into the United States of the articles named in this section he shall, after due notice to interested parties, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further*, That the quarantine provisions of this section, as applying to the white-pine blister rust, potato wart, and the Mediterranean fruit fly, shall become and be effective upon the passage of this Act. (37 Stat. 317.)

The importation of nursery stock or any other class of plants, etc., the importation of which is forbidden under the provisions of this section, is permitted for experimental or scientific purposes by the Department of Agriculture, by a provision of Act March 4, 1913, ch. 145, *post*, sec. 242.

Sec. 236. (Act August 20, 1912, ch. 308, sec. 8, as amended by Act March 4, 1917, ch. 179.) Quarantine of State, Territory, etc., or portion thereof, for dangerous plant disease or insect infestation; notice; interstate shipment, etc., of nursery stock, plants, etc., from quarantined localities prohibited; interstate movement thereof from quarantined localities unlawful; rules and regulations for inspection, etc.; notice; hearings.

That the Secretary of Agriculture is authorized and directed to quarantine any State, Territory, or District of the United States, or any portion thereof, when he shall determine that such quarantine is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States; and the Secretary of Agriculture is directed to give notice of the establishment of such quarantine to common carriers doing business in or through such quarantined area, and shall publish in such newspapers in the quarantined area as he shall select notice of the establishment of quarantine. That no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine except as hereinafter provided. That it shall be unlawful to move, or allow to be moved, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from any quarantined State or Territory or District of the United States or quarantined portion thereof, into

or through any other State or Territory or District, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. That it shall be the duty of the Secretary of Agriculture, when the public interests will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, and method and manner of delivery and shipment of the class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine hereinbefore provided, and regardless of the use for which the same is intended, from a quarantined State or Territory or District of the United States, or quarantined portion thereof, into or through any other State or Territory or District; and the Secretary of Agriculture shall give notice of such rules and regulations as hereinbefore provided in this section for the notice of the establishment of quarantine: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, Territory, or District of the United States, or portion thereof, under the authority given in this section, he shall, after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney. (37 Stat. 318, 39 Stat. 1165.)

This section was amended by Act March 4, 1917, ch. 179, cited above, as follows: By striking out, after the words "when he shall determine" the words "the fact that," and inserting in lieu thereof the words "that such quarantine is necessary to prevent the spread of," in the first sentence; by striking out the words "exists in such State or Territory or District," after the words "throughout the United States," also in the first sentence; by inserting after the words "seeds, or other plant products," where those words occur in the second, third, and fourth sentences of the section, the words "or any class of stone or quarry products, or any other article of any character whatsoever capable of carrying any dangerous plant disease or insect infestation," the words "seeds, or other plant products"; and by inserting after the words "That it shall be the duty of the Secretary of Agriculture," the words "when the public interests will permit," in the fourth sentence of the section.

Sec. 237. (Act August 20, 1912, ch. 308, sec. 9.) Regulations for carrying out the purposes of act.

That the Secretary of Agriculture shall make and promulgate such rules and regulations as may be necessary for carrying out the purposes of this Act. (37 Stat. 318.)

Sec. 238. (Act August 20, 1912, ch. 308, sec. 10.) Violations of act or forgery, etc., of certificates a misdemeanor; punishment; no violation by common carrier on proof of lack of knowledge; duty of district attorneys to prosecute.

That any person who shall violate any of the provisions of this Act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this Act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court: *Provided*,

That no common carrier shall be deemed to have violated the provisions of any of the foregoing sections of this Act on proof that such carrier did not knowingly receive for transportation or transport nursery stock or other plants or plant products as such from one State, Territory, or District of the United States into or through any other State, Territory, or District; and it shall be the duty of the United States attorneys diligently to prosecute any violations of this Act which are brought to their attention by the Secretary of Agriculture or which come to their notice by other means. (37 Stat. 318.)

Sec. 239. (Act August 20, 1912, ch. 308, sec. 11.) "Person" construed; corporations, etc., liable for acts, etc., of officers, agents, etc.

That the word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person. (37 Stat. 319.)

Sec. 240. (Act August 20, 1912, ch. 308, sec. 12.) Federal Horticultural Board; composition thereof.

That for the purpose of carrying out the provisions of this Act there shall be appointed by the Secretary of Agriculture from existing bureaus and offices in the Department of Agriculture, including the Bureau of Entomology, the Bureau of Plant Industry, and the Forest Service, a Federal Horticultural Board consisting of five members, of whom not more than two shall be appointed from any one bureau or office, and who shall serve without additional compensation. (37 Stat. 319.)

Appropriations for salaries of a secretary and various clerks and other employees, and for general expenses, of the Federal Horticultural Board were made annually in the agricultural appropriation acts for the fiscal years 1917 and thereafter.

See note to section 1 of this act as to appropriations for carrying out the provisions of this act, *ante*, sec. 229.

Sec. 241. (Act August 20, 1912, ch. 308, as amended by Act May 31, 1920, ch. 217.) Moving, shipping, etc., of plants and plant products into or out of the District of Columbia, except in compliance with regulations, prohibited; destruction of infested or infected plants or plant products, etc.; inspection duties and powers of Federal Horticultural Board; employees; warrants for search and seizure; rules and regulations; punishment for violations.

That in order further to control and eradicate and to prevent the dissemination of dangerous plant diseases and insect infections and infestations no plant or plant products for or capable of propagation, including nursery stock, hereinafter referred to as plants and plant products, shall be moved or allowed to be moved, shipped, transported, or carried by any means whatever into or out of the District of Columbia, except in compliance with such rules and regulations as shall be prescribed by the Secretary of Agriculture as hereinafter provided. Whenever the Secretary of Agriculture, after investigation, shall determine that any plants and plant products in the Dis-

trict of Columbia are infested or infected with insect pests and diseases and that any place, articles, and substances used or connected therewith are so infested or infected, written notice thereof shall be given by him to the owner or person in possession or control thereof, and such owner or person shall forthwith control or eradicate and prevent the dissemination of such insect pest or disease and shall remove, cut, or destroy such infested and infected plants, plant products, and articles and substances used or connected therewith, which are hereby declared to be nuisances, within the time and in the manner required in said notice or by the rules and regulations of the Secretary of Agriculture. Whenever such owner or person can not be found, or shall fail, neglect, or refuse to comply with the foregoing provisions of this section, the Secretary of Agriculture is hereby authorized and required to control and eradicate and prevent dissemination of such insect pest or disease and to remove, cut, or destroy infested or infected plants and plant products and articles and substances used or connected therewith, and the United States shall have an action of debt against such owner or persons for expenses incurred by the Secretary of Agriculture in that behalf. Employees of the Federal Horticultural Board are hereby authorized and required to inspect places, plants, and plant products and articles and substances used or connected therewith whenever the Secretary of Agriculture shall determine that such inspections are necessary for the purposes of this section. For the purpose of carrying out the provisions and requirements of this section and of the rules and regulations of the Secretary of Agriculture made hereunder, and the notices given pursuant thereto, employees of the Federal Horticultural Board shall have power with a warrant to enter into or upon any place and open any bundle, package, or other container of plants or plant products whenever they shall have cause to believe that infections or infestations of plant pests and diseases exist therein or thereon, and when such infections or infestations are found to exist, after notice by the Secretary of Agriculture to the owner or person in possession or control thereof and an opportunity by said owner or person to be heard, to destroy the infected or infested plants or plant products contained therein. The police court or the municipal court of the District of Columbia shall have power, upon information supported by oath or affirmation showing probable cause for believing that there exists in any place, bundle, package, or other container in the District of Columbia any plant or plant product which is infected or infested with plant pests or disease, to issue warrants for the search for and seizure of all such plants and plant products. It shall be the duty of the Secretary of Agriculture, and he is hereby required, from time to time, to make and promulgate such rules and regulations as shall be necessary to carry out the purposes of this section, and any person who shall move or allow to be moved, or shall ship, transport, or carry, by any means whatever, any plant or plant products from or into the District of Columbia, except in compliance with the rules and regulations prescribed under the section, shall be punished, as is provided in section 10 of this act. (37 Stat. 315; 41 Stat. 726.)

This section was added to the Plant Quarantine Act, Act August 20, 1912, ch. 308, *ante*, secs. 229-240, as section 15 thereof, by amendment by the agricultural appropriation act for the fiscal year 1921, cited above.

Sec. 242. (Act March 4, 1913, ch. 145.) Importation by Department of Agriculture for experimental or scientific purposes of nursery stock or other plants, etc., from quarantined foreign countries or localities permitted.

That hereafter any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section seven of the plant quarantine Act approved August twentieth, nineteen hundred and twelve (Thirty-seventh Statutes, page three hundred and fifteen), may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe. (37 Stat. 854.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

Section 7 of the Act August 20, 1912, ch. 308, mentioned in this provision, is set forth, *ante*, sec. 235.

Sec. 243. (Act March 4, 1915, ch. 144.) Terminal inspection by State of plants and plant products to prevent introduction of pests; forwarding by postmasters of packages for inspection and disposition thereof.

That hereafter when any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper officials of said State may submit to the Secretary of Agriculture a list of plants and plant products and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plant or plant products are found upon inspection to be free from injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forwarded to the person to whom they are addressed: but if found to be infected with injurious pests and incapable of satisfactory disinfection the State inspector shall so notify the postmaster at the place of inspection, who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction. (38 Stat. 1113.)

This section and the two sections next following were provisions of the agricultural appropriation act for the fiscal year 1916, cited above.

Sec. 244. (Act March 4, 1915, ch. 144.) Deposit in mail of package containing plant or plant product addressed to State maintaining inspection thereof without marking, so that contents may be ascertained, unlawful; punishment.

On and after the passage and approval of this Act it shall be unlawful for any person, firm, or corporation to deposit in the United

States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than \$100. (38 Stat. 1113.)

See note to preceding section.

Packages containing imported nursery stock are required to be plainly marked when shipped in interstate commerce until they have been inspected by the United States, by Act August 20, 1912, ch. 308, secs. 3, 4, *ante*, secs. 231, 232.

The mailing of letters, etc., or packages containing specific insect pests was prohibited, except for scientific purposes, by Act March 3, 1905, ch. 1501, sec. 2, *post*, sec. 247.

Sec. 245. (Act March 4, 1915, ch. 144.) Rules and regulations for carrying out purposes of Act.

The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof. (38 Stat. 1113.)

See note to sec. 243, *ante*.

Sec. 246. (Act March 3, 1905, ch. 1501, sec. 1.) Transportation or removal from one State, etc., into any other, or importation, of insects injurious to crops, etc., except for scientific purposes, prohibited.

That no railroad, steamboat, express, stage, or other transportation company shall knowingly transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, or from a foreign country into the United States, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations hereinafter provided for; nor shall any person remove from one State or Territory into another State or Territory, or from a foreign country into the United States, or from a State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, except for scientific purposes under the regulations hereinafter provided for, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid. (33 Stat. 1269.)

This section and the three sections next following were an act entitled "An act to prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose." cited above.

Sec. 247. (Act March 3, 1905, ch. 1501, sec. 2.) Letters, parcels, etc., containing insects injurious to crops, etc., nonmailable, except for scientific purposes; punishment for violations of section.

That any letter, parcel, box, or other package containing the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse,

boll weevil, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees, or any letter, parcel, box, or package which contains the eggs, pupæ, or larvæ of any insect injurious as aforesaid, whether sealed as first-class matter or not, is hereby declared to be nonmailable matter, except when mailed for scientific purposes under the regulations hereinafter provided for, and shall not be conveyed in the mails, nor delivered from any post-office, nor by any letter carrier, except when mailed for scientific purposes under the regulations hereinafter provided for; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or cause the same to be taken from the mails for the purpose of retaining, circulating, or disposing of, or of aiding in the retention, circulation, or disposition of the same shall, for each and every offense, be fined, upon conviction thereof, not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court: *Provided*, That nothing in this Act shall authorize any person to open any letter or sealed matter of the first-class not addressed to himself. (33 Stat. 1270.)

The mailing of packages containing any plant or plant product in a state maintaining terminal inspection therefor, without marking the contents of such package on the outside thereof, was prohibited by Act March 4, 1915, ch. 144, *ante*, sec. 244.

Sec. 248. (Act March 3, 1905, ch. 1501, sec. 3.) Regulations for mailing, shipping, transporting, etc., for scientific purposes, of insects within sections 1 and 2 of act.

That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed to prepare and promulgate rules and regulations under which the insects covered by sections one and two of this Act may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections one and two of this Act may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: *Provided*, That the rules and regulations of the Secretary of Agriculture, in so far as they affect the method of mailing insects, shall be approved by the Postmaster-General, and nothing in this Act shall be construed to prevent any State from making and enforcing laws in furtherance of the purposes of this Act, prohibiting or regulating the admission into that State of insects from a foreign country. (33 Stat. 1270.)

Sec. 249. (Act March 3, 1905, ch. 1501, sec. 4.) Punishment for violations of section 1 of act.

That any person, company, or corporation who shall knowingly violate the provisions of section one of this Act shall, for each offense, be fined, upon conviction thereof, not more than five thousand dollars or imprisoned at hard labor not more than five years, or both, at the discretion of the court. (33 Stat. 1270.)

CHAPTER 9.

INSECTICIDES AND FUNGICIDES.

Sec. 250. (Act April 26, 1910, ch. 191, sec. 1.) Manufacture of adulterated or misbranded insecticides, etc., and fungicides in Territories or District of Columbia, unlawful; violation of provisions a misdemeanor; punishment.

That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any insecticide, Paris green, lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not to exceed two hundred dollars for the first offense, and upon conviction for each subsequent offense be fined not to exceed three hundred dollars, or sentenced to imprisonment for not to exceed one year, or both such fine and imprisonment, in the discretion of the court. (36 Stat. 331.)

This section and the twelve sections next following were an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes," cited above.

Section 14 of this act provided that the act should be in force and effect from and after January 1, 1911.

Sec. 251. (Act April 26, 1910, ch. 191, sec. 2.) Interstate or foreign commerce in adulterated or misbranded insecticides, etc., and fungicides, prohibited; shipment, delivery, etc., of such articles a misdemeanor; punishment; articles for export.

That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any insecticide, or Paris green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this Act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver, to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or any Territory of the United States any such adulterated or misbranded insecticide, or Paris green, or lead arsenate, or fungicide, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon con-

viction for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser; but if said articles shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act. (36 Stat. 331.)

Sec. 252. (Act April 26, 1910, ch. 191, sec. 3.) Regulations for carrying out provisions of act; collection and examination of specimens of insecticides, etc., and fungicides.

That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of insecticides, Paris greens, lead arsenates, and fungicides manufactured or offered for sale in the District of Columbia or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country or intended for shipment to any foreign country, or which may be submitted for examination by the director of the experiment station of any State, Territory, or the District of Columbia (acting under the direction of the Secretary of Agriculture), or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. (36 Stat. 331.)

The designation of the Secretary of Commerce and Labor mentioned in this section, was changed to "Secretary of Commerce," by Act March 4, 1913, ch. 141, sec. 1, 37 Stat. 736.

Sec. 253. (Act April 26, 1910, ch. 191, sec. 4.) Making of examinations of insecticides, etc., and fungicides; notice of adulteration or misbranding to party and hearing thereon; certification or violations of act to district attorneys; notice by publication of judgment of court.

That the examination of specimens of insecticides, Paris greens, lead arsenates, and fungicides shall be made in the Department of Agriculture, by such existing bureau or bureaus as may be directed by the Secretary, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens are adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer.

After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. (36 Stat. 332.)

Appropriations for carrying into effect the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1913 and thereafter.

The Secretary of Agriculture was required, by Act May 26, 1910, ch. 256, 36 Stat. 440, to transmit annually detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture. By Act August 10, 1912, ch. 284, 37 Stat. 301, the above requirement was not to apply to the employees engaged in the enforcement of the Insecticide Act. A provision very similar to that in said Act May 26, 1910, with a further requirement that with such estimates there be included a statement of all such officers, clerks and employees below the grade of clerk, employed during the last completed fiscal year, on any lump-fund appropriation, but not making any exception of employees engaged in the enforcement of the Insecticide Act, was contained in Act August 11, 1916, ch. 313, *ante*, sec. 145.

Sec. 254. (Act April 26, 1910, ch. 191, sec. 5.) Duty of district attorneys to prosecute for violations of act.

That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any director of experiment station or agent of any State, Territory, or the District of Columbia, under authority of the Secretary of Agriculture, shall present satisfactory evidences of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided (36 Stat., 332.)

Sec. 255. (Act April 26, 1910, ch. 191, sec. 6.) Definition of terms "insecticide," "Paris green," "lead arsenate," and "fungicide," as used in act.

That the term "insecticide" as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "Paris green" as used in this Act shall include the product sold in commerce as Paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this Act shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_3AsO_4) by replacing one or more hydrogen atoms by lead. That the term "fungicide" as used in this Act shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever. (36 Stat. 332.)

Sec. 256. (Act April 26, 1910, ch. 191, sec. 7.) Articles deemed adulterated.

That for the purpose of this Act an article shall be deemed to be adulterated—

Paris green.

In the case of Paris green: First, if it does not contain at least fifty per centum of arsenious oxide; second, if it contains arsenic in

water-soluble forms equivalent to more than three and one-half per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Lead arsenate.

In the case of lead arsenate: First, if it contains more than fifty per centum of water; second, if it contains total arsenic equivalent to less than twelve and one-half per centum of arsenic oxid (As_2O_5); third, if it contains arsenic in water-soluble forms equivalent to more than seventy-five-one-hundredths per centum of arsenic oxid (As_2O_5); fourth, if any substances have been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength: *Provided, however*, That extra water may be added to lead arsenate (as described in this paragraph) if the resulting mixture is labeled lead arsenate and water, the percentage of extra water being plainly and correctly stated on the label.

Other insecticides or fungicides.

In the case of insecticides or fungicides, other than Paris green and lead arsenate: First, if the strength or purity fall below the professed standard or quality under which it is sold; second, if any substance has been substituted wholly or in part for the article; third, if any valuable constituent of the article has been wholly or in part abstracted; fourth, if it is intended for use on vegetation and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects, shall be injurious to such vegetation when used. (36 Stat. 332.)

Sec. 257. (Act April 26, 1910, ch. 191, sec. 3.) Definition of term "misbranded" as used in act.

That the term "misbranded" as used herein shall apply to all insecticides, Paris greens, lead arsenates, or fungicides, or articles which enter into the composition of insecticides or fungicides, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to all insecticides, Paris greens, lead arsenates, or fungicides which are falsely branded as to the State, Territory, or country in which they are manufactured or produced.

Articles deemed misbranded.

That for the purpose of this Act an article shall be deemed to be misbranded—

Insecticides, Paris greens, lead arsenates, and fungicides.

In the case of insecticides, Paris greens, lead arsenates, and fungicides: First, if it be an imitation or offered for sale under the name of another article; second, if it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package; third, if in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Insecticides (other than Paris greens and lead arsenates) and fungicides.

In the case of insecticides (other than Paris greens and lead arsenates) and fungicides: First, if it contains arsenic in any of its combinations or in the elemental form and the total amount of arsenic present (expressed as per centum of metallic arsenic) is not stated on the label; second, if it contains arsenic in any of its combinations or in the elemental form and the amount of arsenic in water-soluble forms (expressed as per centum of metallic arsenic) is not stated on the label; third, if it consists partially or completely of an inert substance or substances which do not prevent, destroy, repel, or mitigate insects or fungi and does not have the names and percentage amounts of each and every one of such inert ingredients plainly and correctly stated on the label: *Provided, however,* That in lieu of naming and stating the percentage amount of each and every inert ingredient the producer may at his discretion state plainly upon the label the correct names and percentage amounts of each and every ingredient of the insecticide or fungicide having insecticidal or fungicidal properties, and make no mention of the inert ingredients, except in so far as to state the total percentage of inert ingredients present. (33 Stat. 333.)

Sec. 258. (Act April 26, 1910, ch. 191, sec. 9.) Guaranty signed by wholesaler, jobber, manufacturer, etc., as protection to dealer from prosecution under provisions of act.

That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act. (36 Stat. 334.)

Sec. 259. (Act April 26, 1910, ch. 191, sec. 10.) Seizure of articles adulterated or misbranded within act, in interstate or foreign commerce, for condemnation; disposition of articles condemned and of proceeds thereof; delivery to owner on bond; proceedings for seizure and condemnation.

That any insecticide, Paris green, lead arsenate, or fungicide that is adulterated or misbranded within the meaning of this Act and is being transported from one State, Territory, or District, to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or any Territory of the United States, or if it be imported from a foreign country for sale, shall be liable to be proceeded against in any district court of the United States within the district wherein the same is found and seized for confiscation by a process of libel for condemnation.

And if such article is condemned as being adulterated or misbranded, within the meaning of this Act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid

into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act or the laws of any State, Territory, or District, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. (36 Stat. 334.)

Sec. 260. (Act April 26, 1910, ch. 191, sec. 11.) Examination of samples of insecticides, etc., and fungicides imported, etc., on notice to owner or consignee; refusal of admission and delivery to consignee of articles adulterated or misbranded or forbidden entry or sale or restricted in sale in the country where made, etc.; delivery of goods to consignee pending examination and decision on bond, etc.; charges for storage, etc., on goods refused admission, and lien therefor against subsequent importation.

That the Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request, from time to time, samples of insecticides, Paris greens, lead arsenates, and fungicides which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony; and if it appear from the examination of such samples that any insecticide, or Paris green, or lead arsenate, or fungicide offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction or [of] any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further,* That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. (36 Stat. 334.)

Sec. 261. (Act April 26, 1910, ch. 191, sec. 12.) Term "Territory" in act to include Alaska and insular possessions; construction of word "person" as used in act; liability of corporations, etc., for acts, omissions, etc., of officers, agents, employees, etc.

That the term "Territory," as used in this Act, shall include the District of Alaska and the insular possessions of the United States. The word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association, as well as that of the other person. (36 Stat. 335.)

Sec. 262. (Act April 26, 1910, ch. 191, sec. 13.) Title of act.

That this Act shall be known and referred to as "The insecticide Act of 1910." (36 Stat. 335.)

CHAPTER 10.

HONEYBEES.

Sec. 262a. (Act August 31, 1922, ch. 301, sec. 1.) Importation of adult honeybee prohibited; importation by Department of Agriculture for experimental or scientific purposes; importation from countries free from honeybee diseases.

That, in order to prevent the introduction and spread of diseases dangerous to the adult honeybee, the importation into the United States of the honeybee (*Apis mellifica*) in its adult stage is hereby prohibited, and all adult honeybees offered for import into the United States shall be destroyed if not immediately exported: *Provided*, That such adult honeybees may be imported into the United States for experimental or scientific purposes by the United States Department of Agriculture: *And provided further*, That such adult honeybees may be imported into the United States from countries in which the Secretary of Agriculture shall determine that no diseases dangerous to adult honeybees exist, under rules and regulations prescribed by the Secretary of the Treasury and the Secretary of Agriculture. (42 Stat. 833.)

This section and the section next following were an act entitled "An act to regulate foreign commerce in the importation into the United States of the adult honeybee (*Apis mellifica*)," cited above.

Sec. 262b. (Act August 31, 1922, ch. 301, sec. 2.) Punishment for violation of act.

That any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court. (42 Stat. 834.)

See preceding section and note thereto.

CHAPTER 11.

FOODS AND DRUGS.

Sec. 263. (Act August 30, 1890, ch. 839, sec. 4.) Suspension of importation of adulterated articles.

That whenever the President is satisfied that there is good reason to believe that any importation is being made, or is about to be made, into the United States, from any foreign country, of any article used for human food or drink that is adulterated to an extent dangerous to the health or welfare of the people of the United States, or any of them, he may issue his proclamation suspending the importation of such articles from such country for such period of time as he may think necessary to prevent such importation: and during such period it shall be unlawful to import into the United States from the countries designated in the proclamation of the President any of the articles importation of which is so suspended. (26 Stat. 415.)

This was a section of an act entitled "An act providing for the inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes," cited above.

Sections 2 and 3 of this act, prohibiting and making punishable the importation into the United States of any adulterated or unwholesome food or liquor, and providing for the forfeiture and disposition of such imported articles, were superseded by provisions of Act June 30, 1906, ch. 3915, *post*, secs. 266-277. See note to section 1 of said act, *post*, sec. 263.

Section 1 of this act, providing for the inspection of salted pork and bacon intended for export, is set forth, *ante*, sec. 204.

Section 5 of this act, authorizing suspension of importation of products of countries making unjust discriminations against products of the United States, is omitted.

Sections 6-10 of this act, prohibiting and making punishable the importation of diseased cattle, etc., the quarantine of all imported cattle, etc., and prohibiting the importation of animals except at quarantine ports, and providing for the disposition of such as are adjudged infected, and providing for the suspension of importation when deemed necessary to protect animals in the United States from contagious diseases, and providing for the inspection, etc., of imported animals and animals intended for export, are set forth, *ante*, secs. 188-192.

Sec. 264. (Act July 1, 1902, ch. 1357, sec. 1.) Introduction into any State or Territory, etc., from any other, or sale in any Territory or District of Columbia of dairy or food products falsely labeled or branded as to State or Territory in which they are made, produced, or grown, prohibited.

That no person or persons, company or corporation, shall introduce into any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia, or sell in the District of Columbia or in any Territory any dairy or food products which shall be falsely labeled or branded as to the State or Territory in which they are

made, produced, or grown, or cause or procure the same to be done by others. (32 Stat. 632.)

This section and the section next following were an act entitled "An act to prevent the false branding or marking of food and dairy products as to the State or Territory in which they are made or produced," cited above.

Subsequent provisions more comprehensive than those of this act, for preventing the manufacture, sale, or transportation of adulterated or misbranded foods, etc., were made by Act June 30, 1906, ch. 3915, *post*, secs. 266-277. The term "misbranded" as used in said act was made applicable to any food product "which is falsely branded as to the State, Territory, or country in which it is manufactured or produced" by a provision of section 8 thereof, *post*, sec. 274.

Sec. 265. (Act July 1, 1902, ch. 1357, sec. 2.) Punishment for violation of act; jurisdiction for prosecution.

That if any person or persons violate the provisions of this Act, either in person or through another, he shall be guilty of a misdemeanor and shall be punished by a fine of not less than five hundred nor more than two thousand dollars; and that the jurisdiction for the prosecution of said misdemeanor shall be within the district of the United States court in which it is committed. (32 Stat. 632.)

See notes to section 1 of this act, *ante*, sec. 264.

Sec. 266. (Act June 30, 1906, ch. 3915, sec. 1.) Manufacture of adulterated or misbranded food or drugs in Territories or District of Columbia unlawful; violation of provisions a misdemeanor; punishment.

That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court. (34 Stat. 768.)

This section and the eleven sections next following were an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," and known as the "Food and Drugs Act," cited above.

Section 13 of this act provided that the act should be in force and effect from and after January 1, 1907.

This act superseded the provisions of Act August 30, 1890, ch. 839, secs. 2, 3 which read as follows:

"Sec. 2. That it shall be unlawful to import into the United States any adulterated or unwholesome food or drug or any vinous, spirituous or malt liquors, adulterated or mixed with any poisonous or noxious chemical drug or other ingredient injurious to health. Any person who shall knowingly import into the United States any such adulterated food or drug, or drink, knowing or having reasons to believe the same to be adulterated, being the owner or the agent of the owner, or the consignor or consignee of the owner, or in privity with them, assisting in such unlawful act, shall be deemed guilty of a misdemeanor, and liable to prosecution therefor in the district court of the United States for the district into which such property is imported; and, on conviction, such person shall be fined in a sum not exceeding one thousand dollars for each separate shipment, and may be imprisoned by the court for a term not exceeding one year, or both, at the discretion of the court.

"Sec. 3. That any article designed for consumption as human food or drink, and any other article of the classes or description mentioned in this act, which shall be imported into the United States contrary to its provisions, shall be forfeited to the United States, and shall be proceeded against under the provisions of chapter eighteen of title thirteen of the Revised Statutes of the United States; and such imported property so declared forfeited may be destroyed or returned to the importer for exportation from the United States after the payment of all costs and expenses, under such regulations as the Secretary of the Treasury may prescribe; and the Secretary of the Treasury may cause such imported articles to be inspected or examined in order to ascertain whether the same have been so unlawfully imported."

This act also superseded provisions of the agricultural appropriation act for the fiscal year 1907, act June 30, 1906, ch. 3913, 34 Stat. 686, and of the similar acts for the five preceding fiscal years, that the Secretary of Agriculture, whenever he had reason to believe that articles were being imported from foreign countries which were dangerous to the health of the people of the United States, or which were falsely labeled or branded either as to their contents or the place of their manufacture or production, should request the Secretary of the Treasury to furnish samples from original packages of such articles for inspection and analysis, that the Secretary of the Treasury should open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of the sampling of such articles, who might be present and introduce testimony, and that the Secretary of the Treasury should refuse delivery to the consignee of any such goods which the Secretary of Agriculture reported to him to have been inspected and analyzed and found to be dangerous to health or falsely labeled or branded.

The introduction into any State, Territory, etc., from any other, or the sale in the District of Columbia or any Territory, of any dairy or food products falsely labeled or branded as to the State or Territory in which they were made, produced, or grown, was prohibited, and punishment was provided therefor, by Act July 1, 1902, ch. 1357, *ante*, secs. 264, 265.

This act also superseded provisions contained in the agricultural appropriation act of March 3, 1903, ch. 1008, 32 Stat. 1157, which read as follows:

"The Secretary of Agriculture, whenever he has reason to believe that articles are being imported from foreign countries which by reason of such adulteration are dangerous to the health of the people of the United States, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect in regard to the place of manufacture of the contents of the package, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health, or which are forbidden to be sold or restricted in sale in the countries in which they are made or from which they are exported, or which shall be falsely labeled in any respect in regard to the place of manufacture or the contents of the package."

R. S. secs. 2933-2937, relating to imported drugs, medicines, medicinal preparations, etc., read as follows:

"Sec. 2933. All drugs, medicines, medicinal preparations, including medicinal essential oils and chemical preparations, used wholly or in part as medicine, imported from abroad, shall, before passing the custom-house, be examined and appraised, as well in reference to their quality, purity, and fitness for medical purposes, as to their value and identity specified in the invoice.

"Sec. 2934. All medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of the manufacturer and the place where they are prepared, permanently and legibly affixed to each parcel by stamp, label, or otherwise; and all medicinal preparations imported without such names so affixed shall be adjudged to be forfeited.

"Sec. 2935. If, on examination, any drugs, medicines, medicinal preparations, whether chemical or otherwise, including medicinal essential oils, are found, in the opinion of the examiner, to be so far adulterated, or in any manner deteriorated, as to render them inferior in strength and purity to the standard established by the United States, Edinburgh, London, French, and German pharmacopoeias and dispensaries, and thereby improper, unsafe, or dangerous to be used for medicinal purposes, a return to that effect shall be made upon the invoice, and the articles so noted shall not pass the custom-house, unless, on a reexamination of a strictly analytical character, called for by the owner or consignee, the return of the examiner shall be found erroneous, and it is declared as the result of such analysis, that the articles may properly, safely, and without danger, be used for medicinal purposes.

"Sec. 2936. The owner or consignee shall at all times, when dissatisfied with the examiner's return, have the privilege of calling, at his own expense, for a re-examination; and the collector, upon receiving a deposit of such sum as he may deem sufficient to defray such expense, shall procure some competent analytical chemist possessing the confidence of the medical profession, as well as of the colleges of medicine and pharmacy, if any such institutions exist in the State in which the collection-district is situated, to make a careful analysis of the articles included in the return, and a report upon the same under oath. In case this report, which shall be final, shall declare the return of the examiner to be erroneous, and the articles to be of the requisite strength and purity, according to the standard referred to in the next preceding section, the entire invoice shall be passed without reservation, on payment of the customary duties.

"Sec. 2937. If the examiner's return, however, shall be sustained by the analysis and report, the articles shall remain in charge of the collector, and the owner or consignee on payment of the charges of storage and other expenses necessarily incurred by the United States, and on giving a bond with sureties satisfactory to the collector to land the articles out of the limits of the United States, shall have the privilege of re-exporting them at any time within the period of six months after the report of the analysis; but if the articles shall not be sent out of the United States within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed, and hold the owner or consignee responsible to the United States for the payment of all charges, in the same manner as if the articles had been re-exported."

Detailed reports of payments to State, etc., officers, etc., in carrying into effect the provisions of this act were required to be made annually to Congress, by Act May 23, 1908, ch. 192, *ante*, sec. 141.

Sec. 267. (Act June 30, 1906, ch. 3195, sec. 2.) Interstate or foreign commerce in adulterated or misbranded foods or drugs prohibited; shipment, delivery, etc., of such articles a misdemeanor; punishment; articles for export.

That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or

drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act. (34 Stat. 768.)

Previous provisions similar to some of this section, relating to interstate, etc., traffic in dairy or food products falsely labeled or branded as to the State or Territory in which they were made, etc., and for punishment for violations thereof, were made by Act July 1, 1902, ch. 1357, *ante*, secs. 264, 265.

The inspection of food products intended for export to foreign countries, where chemical and physical tests are required before they can be sold therein, was provided for, when desired by the shippers or owners, by Act March 4, 1915, ch. 144, *post*, sec. 279.

Sec. 268. (Act June 30, 1906, ch. 3915, sec. 3.) Regulations for carrying out provisions of act; collection and examination of specimens of foods and drugs.

That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. (34 Stat. 768.)

The designation of the Secretary of Commerce and Labor mentioned in this section was changed to "Secretary of Commerce," by Act March 4, 1913, ch. 141, sec. 1, 37 Stat., 736.

Sec. 269. (Act June 30, 1906, ch. 3195, sec. 4.) Making of examinations of specimens of foods and drugs; notice of adulteration or misbranding to party and hearing thereon; certification of violations of act to district attorneys; notice by publication of judgment of court.

That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and

if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. (34 Stat. 769.)

Appropriations for expenses necessary to carry into effect the provisions of this act were made annually in the agricultural appropriation acts for the fiscal year 1907 and thereafter.

Sec. 270. (Act June 30, 1906, sec. 5.) Duty of district attorneys to prosecute for violations of act.

That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided. (34 Stat. 769.)

Sec. 271. (Act June 30, 1906, ch. 3915, sec. 6.) Definition of terms "drug" and "food" as used in act.

That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. (34 Stat. 769.)

Sec. 272. (Act June 30, 1906, ch. 3915, sec. 7.) Articles deemed adulterated.

That for the purposes of this Act an article shall be deemed to be adulterated:

Drugs.

In case of drugs:

Difference from recognized standard; statement on bottle, box, etc., as to different standard.

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formu-

lary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Below professed standard.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Confectionery.

In the case of confectionery:

Mineral substances, poisonous color or flavors, other deleterious, etc., ingredients, liquors, etc., or narcotic drugs.

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

Food.

In the case of food.

Injurious mixtures.

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Substitutes.

Second. If any substance has been substituted wholly or in part for the article.

Valuable constituents abstracted.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Damage or inferiority concealed.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Poisonous or other deleterious ingredients added; preservatives of food products for shipment, necessarily removed when products ready for consumption.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Filthy, etc., substances, portions of animals unfit for food, and products of animals diseased or having died otherwise than by slaughter.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal

unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. (34 Stat. 769.)

Sec. 273. (Act June 30, 1906, ch. 3915, sec. 8, as amended by Act August 23, 1912, ch. 352, and by Act March 3, 1913, ch. 117.) Definition of term "misbranded" as used in act.

That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

Articles deemed misbranded.

That for the purposes of this Act an article shall also be deemed to be misbranded:

Drugs.

In case of drugs:

Imitation or use of name of other article.

First. If it be an imitation of or offered for sale under the name of another article.

Removal and substitution of contents of package, or failure to state on label quantity or proportion of alcohol, morphine, etc., or other narcotics contained therein.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

False and fraudulent statement, etc., as to curative or therapeutic effect.

Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.

This section, as originally enacted, did not contain this paragraph. It was added as the third paragraph of this part of the section, by Act August 23, 1912, ch. 352, cited above, known as the "Sherley Amendment."

Food.

In case of food:

Imitation or use of name of other article.

First. If it be an imitation of or offered for sale under the distinctive name of an other article.

False label or brand, etc., removal and substitution of contents of package, or failure to state on label quantity or proportion of morphine or other narcotics, etc., contained therein.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the

contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta euca[i]ne, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Packages not marked with weight, measure, or numerical count; variations and exemptions permitted.

Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however,* That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of Section three of this Act.

This paragraph of this section, as originally enacted, read as follows:

"Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package."

The section was amended by striking out said paragraph and by inserting in lieu thereof the paragraph as set forth here, by Act March 3, 1913, ch. 117, cited above.

The word "package," where it occurs the second and last time in this paragraph as amended by Act March 3, 1913, ch. 117, shall include wrapped meats inclosed in papers or other materials, by Act July 24, 1919, ch. 26, *post*, sec. 278.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided.* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

Mixtures or compounds under distinctive names.

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Articles labeled, branded, etc., as compounds, imitations, or blends; construction of term "blend"; exemption from disclosure of trade formulas of proprietary foods.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided.* That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further,* That nothing in this Act shall be con-

strued as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding. (34 Stat. 771; 37 Stat. 416, 732.)

Sec. 274. (Act June 30, 1906, ch. 3915, sec. 9.) Guaranty signed by wholesaler, jobber, manufacturer, etc., as protection to dealer from prosecution under provisions of act.

That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act. (34 Stat. 771.)

Sec. 275. (Act June 30, 1906, ch. 3915, sec. 10.) Seizure of articles adulterated or misbranded within act, in interstate or foreign commerce, for condemnation; disposition of articles condemned and of proceeds thereof; delivery to owner on bond; proceedings for seizure and condemnation.

That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. (34 Stat. 771.)

Sec. 276. (Act June 30, 1906, ch. 3915, sec. 11.) Examination of samples of foods and drugs imported, etc., on notice to owner or consignee; refusal of admission and delivery to consignee of articles adulterated or misbranded or dangerous to health or forbidden entry or sale or restriction in sale in the country where made, etc.; delivery of goods to consignee pending examination and decision on bond, etc.; charges for storage, etc., on goods refused admission, and lien therefor against subsequent importations.

The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. (34 Stat. 772.)

Provisions somewhat similar to those of this section, made in the annual agricultural appropriation acts for the fiscal years 1902-1906, were omitted from the acts for subsequent fiscal years. See fourth note to section 1 of this Act, *ante*, sec. 266.

Sec. 277. (Act June 30, 1906, ch. 3915, sec. 12.) Term "Territory" in act to include insular possessions; construction of word "person" in act; liability of corporations, etc., for acts, omissions, etc., of officers, agents, employees, etc.

That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment

or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person. (34 Stat. 772.)

Sec. 278. (Act July 24, 1919, ch. 26.) Wrapped meat packages subject to provision of Food and Drugs Act as to weight, etc., markings.

That the word "package" where it occurs the second and last time in the act entitled "An act to amend section 8 of an act entitled, 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,'" approved March 3, 1913, shall include and shall be construed to include wrapped meats inclosed in papers or other materials as prepared by the manufacturers thereof for sale. (41 Stat. 271.)

These were provisions of the agricultural appropriation act for the fiscal year 1920, cited above.

Section 8 of Act June 30, 1906, ch. 3915, as amended by said Act March 3, 1913, ch. 117, and also by Act August 23, 1912, ch. 352, is set forth *ante*, sec. 273.

Sec. 278a. (Act March 4, 1923, ch. 268.) Standard of butter under Food and Drugs Act.

That for the purposes of the Food and Drug Act of June 30, 1906 (Thirty-fourth Statutes at Large, page 768), "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per centum by weight of milk fat, all tolerances having been allowed for. (42 Stat. 1500.)

This was an act entitled "An act to define butter and to provide a standard therefor," cited above.

Act June 30, 1906, ch. 3915, referred to in this act, is set forth, *ante*, secs. 264-277.

Sec. 279. (Act March 4, 1915, ch. 144.) Payment of cost of inspection of American food products intended for foreign countries; disposition of receipts.

For investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein: *Provided*, That hereafter no certificate of results of any such inspection shall issue unless the owner or his agent shall first pay to the Secretary of Agriculture, at a price to be determined and established by the Secretary, the actual cost of the inspection, the money received to be deposited in the Treasury of the United States as miscellaneous receipts. (38 Stat. 1102.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1916, cited above.

Sec. 280. (Act October 1, 1918, ch. 178.) Detail of Public Health Service officers to Department of Agriculture for cooperation in administration of Food and Drugs Act.

Hereafter the Secretary of the Treasury may detail medical officers of the Public Health Service to the Department of Agriculture for

cooperative assistance in the administration of the food and drugs Act, approved June thirtieth, nineteen hundred and six, and amended August twenty-third, nineteen hundred and twelve, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for enforcement of said Act. (40 Stat. 992.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1919, cited above.

The Food and Drugs Act, Act June 30, 1906, ch. 3915, mentioned in this provision, as amended by Act August 23, 1912, ch. 352, also mentioned, is set forth, *ante*, secs. 266-277. The amendment consisted in the addition to the part of section 8 of the act, defining misbranding in the case of drugs, of a paragraph as to false or fraudulent labeling regarding curative or therapeutic effect.

CHAPTER 12.

TEAS.

Sec. 281. (Act March 2, 1897, ch. 358, sec. 1, as amended by Act May 16, 1908, ch. 170.) Importation of tea inferior to standard, prohibited; prohibition not applicable to importation for manufacture of theine, caffeine, etc.; bond of importer; regulation of use of inferior importation.

That from and after May first, eighteen hundred and ninety-seven, it shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section three of this Act, and the importation of all such merchandise is hereby prohibited: *Provided*, That nothing herein shall affect or prevent the importation into the United States, under such regulations as the Secretary of the Treasury may prescribe, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of the Treasury, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed; and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings shall give suitable bond, to be approved as to amount and securities by the Secretary of the Treasury, conditioned that said imported material shall be only used for the purposes herein provided, under such regulations as may be prescribed by the Secretary of the Treasury. (29 Stat. 604; 35 Stat. 163.)

This section and the nine sections next following were parts of an act entitled "An act to prevent the importation of impure and unwholesome tea" cited above.

Section 11 of this act, providing that teas on shipboard at the time of passage of this act should be subject to Act March 2, 1883, ch. 64, 22 Stat. 451, and section 12 of this act, repealing said Act March 2, 1883, are omitted here.

This section as originally enacted contained only the first sentence, without the annexed proviso as set forth here. The proviso was added by amendment by Act May 16, 1908, ch. 170, cited above.

The Secretary of Agriculture is to execute and perform all the powers and duties conferred on the Secretary of Agriculture by this act, as amended by Act May 16, 1908, ch. 170, cited above, and the bonds given to the United States pursuant to this section, as amended, were made subject to the approval only of the collector of customs at the port of entry and in place of the Board of United States General Appraisers provided for by section 6 of this act, *post*, sec. 286, the Secretary of Agriculture was required to designate three employees of the Department of Agriculture to serve as the United States Board of Tea Appeals, with all the powers and duties conferred by this act on said Board of United States General Appraisers by provisions of Act May 31, 1920, ch. 217, *ante*, sec. 80.

Appropriations for carrying into effect the provisions of this act were made in the agricultural appropriation acts for the fiscal years 1921 and thereafter.

Sec. 282. (Act March 2, 1897, ch. 358, sec. 2.) Board of experts; appointment; term; vacancies; compensation.

That immediately after the passage of this Act, and on or before February fifteenth of each year thereafter, the Secretary of the Treasury shall appoint a board to consist of seven members, each of whom shall be an expert in teas, and who shall prepare and submit to him standard samples of tea; that the persons so appointed shall be at all times subject to removal by the said Secretary, and shall serve for the term of one year; that vacancies in the said board occurring by removal, death, resignation, or any other cause shall be forthwith filled by the Secretary of the Treasury by appointment, such appointee to hold for the unexpired term; that said board shall appoint a presiding officer, who shall be the medium of all communications to or from such board; that each member of said board shall receive as compensation the sum of fifty dollars per annum, which, together with all necessary expenses while engaged upon the duty herein provided, shall be paid out of the appropriation for "expenses of collecting the revenue from customs." (29 Stat. 605.)

See note to section 1 of this act, *ante*, sec. 281, as to transfer to the Secretary of Agriculture of the powers and duties conferred by this act on the Secretary of the Treasury.

Sec. 283. (Act March 2, 1897, ch. 358, sec. 3.) Standards of purity, etc., of teas, duplicate samples at customhouses and for importers and dealers.

That the Secretary of the Treasury, upon the recommendation of the said board, shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States, and shall procure and deposit in the custom-houses of the ports of New York, Chicago, San Francisco, and such other ports as he may determine, duplicate samples of such standards; that said Secretary shall procure a sufficient number of other duplicate samples of such standards to supply the importers and dealers in tea at all ports desiring the same at cost. All teas, or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of the first section hereof. (29 Stat. 605.)

See note to section 1 of this act, *ante*, sec. 281, as to transfer to the Secretary of Agriculture of the powers and duties conferred by this act on the Secretary of the Treasury.

Sec. 284. (Act March 2, 1897, ch. 358, sec. 4.) Bonds of importers of teas; examination; importations at ports having no examiner.

That on making entry at the custom-house of all teas, or merchandise described as tea, imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been duly examined with reference to its purity, quality, and fitness for consumption; that for the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each and every part of the invoice and accord with the specifications therein contained; or in the discretion of the Secretary of the Treasury, such samples shall

be obtained by the examiner and compared by him with the standards established by this Act; and in cases where said tea, or merchandise described as tea, is entered at ports where there is no qualified examiner as provided in section seven, the consignee or importer shall in the manner aforesaid furnish under oath a sample of each line of tea to the collector or other revenue officer to whom is committed the collection of duties, and said officer shall also draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner as provided in section seven: *Provided, however,* That the bond above required shall also be conditioned for the payment of all custom-house charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this Act. (29 Stat. 605.)

See note to section 1 of this act, *ante*, sec. 281, as to transfer to the Secretary of Agriculture of the powers and duties conferred by this act on the Secretary of the Treasury.

Sec. 285. (Act March 2, 1897, ch. 358, sec. 5.) Permit for delivery of tea; retention of inferior grades; reexamination; partial delivery.

That if, after an examination as provided in section four, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards hereinbefore provided, and no reexamination shall be demanded by the collector as provided in section six, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of the customs authorities; but if on examination such tea, or merchandise described as tea, is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards the importer or consignee shall be immediately notified, and the tea, or merchandise described as tea, shall not be released by the custom-house, unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous: *Provided,* That should a portion of the invoice be passed by the examiner, a permit shall be granted for that portion and the remainder held for further examination, as provided in section six. (29 Stat. 605.)

Sec. 286. (Act March 2, 1897, ch. 358, sec. 6.) Appeals to General Appraisers; permit for delivery of tea; exportation or destruction of inferior grades.

That in case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to a board of three United States general appraisers, to be designated by the Secretary of the Treasury, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards, a permit shall be issued by the collector for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea, or merchandise described as tea, out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported

within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed. (29 Stat. 606.)

See note to section 1 of this act, *ante*, sec. 281, as to the transfer to the Secretary of Agriculture of the powers and duties conferred by this Act on the Secretary of the Treasury, the approval of importers' bonds by the collector of customs only, and the creation of the United States Board of Tea Appeals in place of, and with the powers and duties conferred by this Act on, the Board of United States General Appraisers.

Sec. 287. (Act March 2, 1897, ch. 358, sec. 7.) Examiners; examination according to usages of trade.

That the examination herein provided for shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner, the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section four of this Act, shall be forwarded to the proper port by the collector or chief officer at the port of entry; that in all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or boards of United States general appraisers under the provisions of this Act, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis. (29 Stat. 606.)

Sec. 288. (Act March 2, 1897, ch. 358, sec. 8.) Reexamination by General Appraisers; advice of experts.

That in cases of reexamination of teas, or merchandise described as teas, by a board of United States general appraisers in pursuance of the provisions hereof, samples of the tea, or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the papers therewith, to be distinguished by such mark that the same may be identified; that the decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The board of United States general appraisers herein provided for shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding five dollars. (29 Stat. 606.)

See note to section 1 of this act, *ante*, sec. 281, as to the creation of the United States Board of Tea Appeals in place of, and with the powers and duties conferred by this act on, the Board of United States General Appraisers.

Sec. 289. Act March 2, 1897, ch. 358, sec. 9.) Forfeiture of rejected teas reimported.

That no imported teas which have been rejected by a customs examiner or by a board of United States general appraisers, and exported under the provisions of this Act, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition. (29 Stat. 606.)

See note to section 1 of this act, *ante*, sec. 281, as to the creation of the United States Board of Tea Appeals in place of, and with the powers and duties conferred by this act on, the Board of United States General Appraisers.

Sec. 290. (Act March 2, 1897, ch. 358, sec. 10.) Regulations.

That the Secretary of the Treasury shall have the power to enforce the provisions of this Act by appropriate regulations. (29 Stat. 607.)

See note to section 1 of this act, *ante*, sec. 281, as to transfer to the Secretary of Agriculture of the powers and duties conferred by this act on the Secretary of the Treasury.

CHAPTER 13.

NAVAL STORES.

Sec. 290a. (Act March 3, 1923, ch. 217, sec. 1.) Title of act.

That, for convenience of reference, this Act may be designated and cited as "The Naval Stores Act." (42 Stat. 1435.)

This section and the eight sections next following were an act entitled "An act establishing standard grades of naval stores, preventing deceptions in transactions in naval stores, regulating traffic therein, and for other purposes," cited above.

Section 10 of the act provided that it should become effective ninety days after its approval.

Sec. 290b. (Act March 3, 1923, ch. 217, sec. 2.) Definitions.

That, when used in this Act—

(a) "Naval stores" means spirits of turpentine and rosin.

(b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession of the District of Columbia. (42 Stat. 1435.)

Sec. 290c. (Act March 3, 1923, ch. 217, sec. 3.) Adoption of existing standards for turpentines and rosin; establishment and promulgation of additional standards; modification of standards; designation of grades of rosin; official title of standards.

That for the purposes of this Act the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 2 hereof and the

rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this Act or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin," as the case may be.

The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States," and may be referred to by the abbreviated expression "United States Standards," and shall be the standards by which all naval stores in commerce shall be graded and described. (42 Stat. 1435.)

Sec. 290d. (Act March 3, 1923, ch. 217, sec. 4.) Duplicates of official standards furnished applicants: analysis, classification, and grading; certificates; prima facie evidence.

That the Secretary of Agriculture shall provide, if practicable, any interested person with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court. (42 Stat. 1436.)

Sec. 290e. (Act March 3, 1923, ch. 217, sec. 5.) Unlawful acts relating to naval stores; sale of naval stores except under standards; sale of naval stores other than of represented standards; using "turpentine" or "rosin" to designate anything other than standard naval stores; using false, misleading, or deceitful means or practices.

That the following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such. (42 Stat. 1436.)

Sec. 290f. (Act of March 3, 1923, ch. 217, sec. 6.) Punishment of willful violators.

That any person willfully violating any provision of section 5 of this Act shall on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding one year, or both. (42 Stat. 1436.)

Sec. 290g. (Act March 3, 1923, ch. 217, sec. 7.) Purchase of samples of turpentine, etc.; reporting violations of act; publication of results of analysis, classification, or grading of turpentine, etc.

That the Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this Act. He shall report to the Department of Justice for appropriate action any violation of this Act coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this Act. (42 Stat. 1436.)

The Secretary of Agriculture was authorized to furnish samples of naval stores, etc., at a price covering the cost thereof, by a provision of Act March 4, 1915, ch. 144, *ante*, sec. 68.

Sec. 290h. (Act March 3, 1923, ch. 217, sec. 8.) Appropriations for administration and enforcement of act.

That there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this

Act, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere. (42 Stat. 1436.)

Sec. 290i. (Act March 3, 1923, ch. 217, sec. 9.) Partial invalidity of act.

That if any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (42 Stat. 1437.)

CHAPTER 14.

COTTON STANDARDS.

Sec. 290aa. (Act March 4, 1923, ch. 288, sec. 1.) Short title of act.

That this Act shall be known by the short title of "United States Cotton Standards Act." (42 Stat. 1517.)

This section and the twelve sections were an act entitled "An act to establish and promote the use of the official cotton standards of the United States in interstate and foreign commerce; to prevent deception therein and provide for the proper application of such standards; and for other purposes," cited above.

Section 14 of the act provides that it should become effective on and after August 1, 1923.

Sec. 290bb. (Act March 4, 1923, ch. 288, sec. 2.) Use in interstate commerce of names, etc., for grades, etc., of cotton other than those of official standards, unlawful; transactions by actual example or private type.

That it shall be unlawful (a) in or in connection with any transaction or shipment in commerce made after this Act shall become effective, or (b) in any publication of a price or quotation determined in or in connection with any transaction or shipment in commerce after this Act shall become effective, or (c) in any classification for the purposes of or in connection with a transaction or shipment in commerce after this Act shall become effective, for any person to indicate for any cotton a grade or other class which is of or within the official cotton standards of the United States then in effect under this Act by a name, description, or designation, or any system of names, description, or designation not used in said standards: *Provided*, That nothing herein shall prevent a transaction otherwise lawful by actual sample or on the basis of a private type which is used in good faith and not in evasion of or substitution for said standards. (42 Stat. 1517.)

Sec. 290cc. (Act March 4, 1923, ch. 288, sec. 3.) Licenses to grade or classify and certify grade; issuance; suspension or revocation.

That the Secretary of Agriculture may, upon presentation of satisfactory evidence of competency, issue to any person a license to grade or otherwise classify cotton and to certificate the grade or other class thereof in accordance with the official cotton standards of the United States. Any such license may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after reasonable opportunity afforded to the licensee for a hearing, that such licensee is incompetent or has knowingly or carelessly classified cotton improperly, or has violated any provision of this Act or the regulations thereunder so far as the same may relate to him, or has used his license or allowed it to be used for any improper purpose. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without a hearing. (42 Stat. 1517.)

Sec. 290dd. (Act March 4, 1923, ch. 288, sec. 4.) Classification of cotton by Department of Agriculture; certificate of classification *prima facie* evidence; regulations for submitting samples for classification.

That any person who has custody of or a financial interest in any cotton may submit the same or samples thereof, drawn in accordance with the regulations of the Secretary of Agriculture, to such officer or officers of the Department of Agriculture, as may be designated for the purpose pursuant to the regulations of the Secretary of Agriculture for a determination of the true classification of such cotton or samples, including the comparison thereof, if requested, with types or other samples submitted for the purpose. The final certificate of the Department of Agriculture showing such determination shall be binding on officers of the United States and shall be accepted in the courts of the United States as *prima facie* evidence of the true classification or comparison of such cotton or samples when involved in any transaction or shipment in commerce. The Secretary of Agriculture shall fix rules and regulations for submitting samples of cotton for classification providing that all samples shall be numbered so that no one interested in the transaction involved shall be known by any classifier engaged in the classification of such cotton samples. (42 Stat. 1517.)

Sec. 290ee. (Act March 4, 1923, ch. 288, sec. 5.) Charges for licenses and classification.

That the Secretary of Agriculture may cause to be collected such charges as he may find to be reasonable for licenses issued to classifiers of cotton under section 3 and for determinations made under section 4 of this Act, and the amounts so collected shall be used by the Secretary of Agriculture in paying expenses of the Department of Agriculture connected therewith. (42 Stat. 1518.)

Sec. 290ff. (Act March 4, 1923, ch. 288, sec. 6.) Establishment of official standards for classification of cotton; effective date; present standards continued; change in or replacement of standards; furnishing copies of standards; certification, etc., of copies of standards; reuse of money from sales.

That the Secretary of Agriculture is authorized to establish from time to time standards for the classification of cotton by which its quality or value may be judged or determined for commercial purposes, which shall be known as the official cotton standards of the United States. Any such standard or change or replacement thereof shall become effective only on and after a date specified in the order of the Secretary of Agriculture establishing the same, which date shall be not less than one year after the date of such order: *Provided*, That the official cotton standards established, effective August 1, 1923, under the United States Cotton Futures Act shall be at the same time the official cotton standards for the purpose of this Act unless and until changed or replaced under this Act. Whenever any standard or change or replacement thereof shall become effective under this Act, it shall also, when so specified in the order of the Secretary of Agriculture, become effective for the purpose of the United States Cotton Futures Act and supersede any inconsistent standard established under said Act. Whenever the official cotton standards of the United States established under this Act shall be represented by practical forms the Department of Agricul-

ture shall furnish copies thereof, upon request, to any person, and the cost thereof, as determined by the Secretary of Agriculture, shall be paid by the person making the request. The Secretary of Agriculture may cause such copies to be certified under the seal of the Department of Agriculture and may attach such conditions to the purchase and use thereof, including provision for the inspection, condemnation, and exchange thereof by duly authorized representatives of the Department of Agriculture, as he may find to be necessary to the proper application of the official cotton standards of the United States. Any moneys received from or in connection with the sale of cotton purchased for the preparation of such copies and condemned as unsuitable for such use or with the sale of such copies may be expended for the purchase of other cotton for such use. (42 Stat. 1518.)

The Secretary of Agriculture was authorized to establish official cotton standards by the Cotton Futures Act, Act August 11, 1916, ch. 313, sec 9, *post*, sec. 387.

Sec. 290gg. (Act March 4, 1923, ch. 288, sec. 7.) Inspection and sampling of cotton.

That in order to carry out the provisions of this Act, the Secretary of Agriculture is authorized to cause the inspection, including the sampling, of any cotton involved in any transaction or shipment in commerce, wherever such cotton may be found, or of any cotton with respect to which a determination of the true classification is requested under section 4 of this Act. (42 Stat. 1518.)

Sec. 290hh. (Act March 4, 1923, ch. 288, sec. 8.) Possession of counterfeit form of official standard, or altering, etc., official standard, or using condemned official standard, unlawful.

That it shall be unlawful for any person (a) with intent to deceive or defraud, to make, receive, use, or have in his possession any simulate or counterfeit practical form or copy of any standard or part thereof established under this Act; or (b) without the written authority of the Secretary of Agriculture, to make, alter, tamper with, or in any respect change any practical form or copy of any standard established under this Act; or (c) to display or use any such practical form or copy after the Secretary of Agriculture shall have caused it to be condemned. (42 Stat. 1519.)

Sec. 290ii. (Act March 4, 1923, ch. 288, sec. 9.) Punishment for violations of provisions in relation to official standards; licensed person classifying cotton improperly, or falsifying classification certificate, or accepting consideration for neglect of duty; influencing improperly licensed person in performance of his duties; assaulting, etc., employee under act in performance of his duties; punishment.

That (a) any person who shall knowingly violate any provision of sections 2 or 8 of this Act, or (b) any person licensed under this Act who, for the purposes of or in connection with any transaction or shipment in commerce, shall knowingly classify cotton improperly, or shall knowingly falsify or forge any certificate of classification, or shall accept money or other consideration, either directly or indirectly, for any neglect or improper performance of duty as such licensee, or (c) any person who shall knowingly influence improperly or attempt to influence improperly any person licensed under this Act in the performance of his duties as such licensee relating to any

transaction or shipment in commerce, or (d) any person who shall forcibly assault, resist, impede, or interfere with or influence improperly or attempt to influence improperly any person employed under this Act in the performance of his duties, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. (42 Stat. 1519.)

Sec. 290jj. (Act March 4, 1923, ch. 288, sec. 10.) Regulations; investigations, tests, etc., to avoid unnecessary sampling and classification of cotton; cooperation with Federal or State, etc., agencies.

That for the purposes of this Act the Secretary of Agriculture shall cause to be promulgated such regulations, may cause such investigations, tests, demonstrations, and publications to be made, including the investigation and determination of some practical method whereby repeated and unnecessary sampling and classification of cotton may be avoided, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, as he shall find to be necessary. (42 Stat. 1519.)

Sec. 290kk. (Act March 4, 1923, ch. 288, sec. 11.) Definitions; liability of principal for act, etc., of agent, etc.

That wherever used in this Act, (a) the word "person" imports the plural or the singular, as the case demands, and includes an individual, a partnership, a corporation, or two or more persons having a joint or common interest; (b) the word "commerce" means commerce between any State or the District of Columbia and any place outside thereof, or between points within the same State or the District of Columbia but through any place outside thereof, or within the District of Columbia; and (c) the word "cotton" means cotton of any variety produced within the continental United States, including linters. When construing and enforcing the provisions of this Act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any person, within the scope of his employment or office, shall in every case be deemed also the act, omission, or failure of such person as well as that of such agent, officer, or other person. (42 Stat. 1519.)

Sec. 290ll. (Act March 4, 1923, ch. 288, sec. 12.) Appropriations authorized for carrying out act; officers and employees; expenses.

That there are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for carrying out the provisions of this Act; and the Secretary of Agriculture is authorized, within the limits of such appropriations, to appoint, remove, and fix the compensations of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere. (42 Stat. 1519.)

Sec. 290mm. (Act March 4, 1923, ch. 288, sec. 13.) Partial invalidity of Act.

That if any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby. (42 Stat. 1520.)

CHAPTER 15.

GRAIN STANDARDS.

Sec. 291. (Act August 11, 1916, ch. 313, sec. 1.) Short title of act; "person" and "in interstate or foreign commerce" defined; act, omission, etc., of official, agent, etc., of association, etc., or corporation, deemed act, omission, etc., also of association, etc., or corporation.

That this Act shall be known by the short title of the "United States grain standards Act." The word "person," wherever used in this Act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations; the words "in interstate or foreign commerce," wherever used in this Act, mean "from any State, Territory, or District to or through any other State, Territory, or District, or to or through any foreign country, or within any Territory or District." When construing and enforcing the provisions of this Act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person. (39 Stat. 482.)

This section and the eleven sections next following were provisions of the agricultural appropriation act for the fiscal year 1917, cited above. These provisions were preceded by the following paragraph:

"PART B.

That this Part, to be known as the United States grain standards Act, be and is hereby enacted, to read and be effective hereafter as follows:"

Sec. 292. (Act August 11, 1916, ch. 313, sec. 2.) Investigation of handling, grading, and transportation of grain; fixing standards or quality and condition of corn, etc.; alteration, etc., of standards; notice of promulgation or alteration of standards.

That the Secretary of Agriculture is hereby authorized to investigate the handling, grading, and transportation of grain and to fix and establish as soon as may be after the enactment hereof standards of quality and condition for corn (maize), wheat, rye, oats, barley, flaxseed, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary of Agriculture shall have power to alter or modify such standards whenever the necessities of the trade may require. In promulgating the standards, or any alteration or modification of such standards, the Secretary shall specify the date or dates when the same shall become effective, and shall give public notice, not less than ninety days in advance of such date or dates, by such means as he deems proper. (39 Stat. 482.)

Appropriations to enable the Secretary of Agriculture to establish and maintain, at points deemed expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample,

parcel, or consignment of seed or grain, with provisions authorizing him to report upon such samples, parcels, or consignments, such report to serve as a basis for the fixing of definite grades and for the issuance of certificates of inspection, when requested by the consignor or consignee of any grain entering foreign commerce, were made in the agricultural appropriation acts for the fiscal years 1908 to 1910, inclusive. In the similar acts thereafter appropriations were made for investigating the handling, grading, and transportation, of grain and the fixing of definite grades thereof.

The Secretary of Agriculture or his authorized representatives are empowered to administer oaths, examine witnesses, and call for the production of books and papers in the performance of the duties required in the administration or enforcement of provisions of the Grain Standards Act, by a provision of Act July 24, 1919, ch. 26, *ante*, sec. 86.

Sec. 293. (Act August 11, 1916, ch. 313, sec. 3.) Standards fixed to be known as official grain standards of the United States.

That the standards so fixed and established shall be known as the official grain standards of the United States. (39 Stat. 483.)

See preceding section and note thereto.

The grain standards to be established under this act, were adopted for the purposes of the Warehouse Act, Act August 11, 1916, ch. 313, by sections 18 and 19 thereof, *post*, secs. 332, 333.

Sec. 294. (Act August 11, 1916, ch. 313, sec. 4.) Shipment, etc., in interstate or foreign commerce of grain by grade, unless inspected and of grade fixed by official grain standards, prohibited; sale, etc., shipment, etc., by sample or type under name, etc., not included in official grain standards; shipment, etc., by grade without inspection subject to inspection at point en route or destination; appeals from inspection; sale, etc., shipment, etc., by grade without inspection subject to reference of disputes as to grade to Secretary of Agriculture; reference in certificate, contract of sale, etc., to grain as of grade other than grade fixed in official grain standards, prohibited.

That whenever standards shall have been fixed and established under this Act for any grain no person thereafter shall ship or deliver for shipment in interstate or foreign commerce any such grain which is sold, offered for sale, or consigned for sale by grade unless the grain shall have been inspected and graded by an inspector licensed under this Act and the grade by which it is sold, offered for sale, or consigned for sale be one of the grades fixed therefor in the official grain standards of the United States: *Provided*, That any person may sell, offer for sale, or consign for sale, ship, or deliver for shipment in interstate or foreign commerce any such grain by sample or by type, or under any name, description, or designation which is not false or misleading, and which name, description, or designation does not include in whole or in part the terms of any official grain standard of the United States: *Provided further*, That any such grain sold, offered for sale, or consigned for sale by grade may be shipped or delivered for shipment in interstate or foreign commerce without inspection at point of shipment by an inspector licensed under this Act, to or through any place at which an inspector licensed under this Act is located, subject to be inspected by a licensed inspector at the place to which shipped or at some convenient point through which shipped for inspection, which inspection shall be under such rules and regulations as the Secretary of Agriculture shall prescribe, and subject further to the right of appeal from such inspection, as provided in section six of this Act: *And provided further*, That any such grain sold, offered for sale, or consigned for sale by any of the

grades fixed therefor in the official grain standards may, upon compliance with the rules and regulations prescribed by the Secretary of Agriculture, be shipped in interstate or foreign commerce without inspection from a place at which there is no inspector licensed under this Act to a place at which there is no such inspector, subject to the right of either party to the transaction to refer any dispute as to the grade of the grain to the Secretary of Agriculture, who may determine the true grade thereof. No person shall in any certificate or in any contract or agreement of sale or agreement to sell by grade, either oral or written, involving, or in any invoice or bill of lading or other shipping document relating to, the shipment or delivery for shipment, in interstate or foreign commerce, of any grain for which standards shall have been fixed and established under this Act described, or in any way refer to, any of such grain as being of any grade other than a grade fixed therefor in the official grain standards of the United States. (39 Stat. 483.)

Sec. 295. (Act August 11, 1916, ch. 313, sec. 5.) Representation of grain shipped, etc., in interstate or foreign commerce, as of grade other than grade shown by certificate thereof, prohibited; examination of grain certified to conform to grade fixed by official grain standards; hearing and findings on examination.

That no person, except as permitted in section four, shall represent that any grain shipped or delivered for shipment in interstate or foreign commerce is of a grade fixed in the official grain standards other than as shown by a certificate therefor issued in compliance with this Act; and the Secretary of Agriculture is authorized to cause examinations to be made of any grain for which standards shall have been fixed and established under this Act, and which has been certified to conform to any grade fixed therefor in such official grain standards, or which has been shipped or delivered for shipment in interstate or foreign commerce. Whenever, after opportunity for hearing is given to the owner or shipper of the grain involved, and to the inspector thereof if the same has been inspected, it is determined by the Secretary that any quantity of grain has been incorrectly certified to conform to a specified grade, or has been sold, offered for sale, or consigned for sale under any name, description, or designation which is false or misleading, he may publish his findings. (39 Stat. 483.)

Sec. 296. (Act August 11, 1916, ch. 313, sec. 6.) Appeal to Secretary of Agriculture of disputes as to whether grade determined by inspection conforms to standards of specified grade; time for taking appeal; fees; findings as to grain prima facie evidence of true grade.

That whenever standards shall have been fixed and established under this Act for any grain and any quantity of such grain sold, offered for sale, or consigned for sale, or which has been shipped, or delivered for shipment in interstate or foreign commerce shall have been inspected and a dispute arises as to whether the grade as determined by such inspection of any such grain in fact conforms to the standard of the specified grade, any interested party may, either with or without reinspection, appeal the question to the Secretary of Agriculture, and the Secretary of Agriculture is authorized to cause such investigation to be made and such tests to be applied as he may deem necessary and to determine the true grade: *Provided*, That any ap-

peal from such inspection and grading to the Secretary of Agriculture shall be taken before the grain leaves the place where the inspection appealed from was made and before the identity of the grain has been lost, under such rules and regulations as the Secretary of Agriculture shall prescribe. Whenever an appeal shall be taken or a dispute referred to the Secretary of Agriculture under this Act, he shall charge and assess, and cause to be collected, a reasonable fee, in amount to be fixed by him, which fee, in case of an appeal, shall be refunded if the appeal is sustained. All such fees, not so refunded, shall be deposited and covered into the Treasury as miscellaneous receipts. The findings of the Secretary of Agriculture as to grade, signed by him or by such officer or officers, agent or agents, of the Department of Agriculture as he may designate, made after the parties in interest have had opportunity to be heard, shall be accepted in the courts of the United States as prima facie evidence of the true grade of the grain determined by him at the time and place specified in the findings. (39 Stat. 484.)

Sec. 297. (Act August 11, 1916, ch. 313, sec. 7.) Licenses to inspect and grade grain; issue of certificates of grade by unlicensed persons prohibited; issue of licenses to persons in employ of State grain inspection departments; suspension or revocation of licenses; financial, etc., interest in grain elevator, etc., by inspectors prohibited; records of grading and inspection reports; publication of summaries of information received.

The Secretary of Agriculture may issue a license to any person, upon presentation to him of satisfactory evidence that such person is competent, to inspect and grade grain and to certificate the grade thereof for shipment or delivery for shipment in interstate or foreign commerce, under this Act and the rules and regulations prescribed thereunder. No person authorized or employed by any State, county, city, town, board of trade, chamber of commerce, corporation, society, partnership, or association to inspect or grade grain shall certify, or otherwise state or indicate in writing, that any grain for shipment or delivery for shipment in interstate or foreign commerce, which has been inspected or graded by him, or by any person acting under his authority, is of one of the grades of the official grain standards of the United States, unless he holds an unsuspended and unrevoked license issued by the Secretary of Agriculture: *Provided*, That in any State which has, or which may hereafter have a State grain inspection department established by the laws of such State, the Secretary of Agriculture shall issue licenses to the persons duly authorized and employed to inspect and grade grain under the laws of such State. The Secretary of Agriculture may suspend or revoke any license issued by him under this Act whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this Act, or has issued any false certificate of grade, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has violated any provision of this Act or of the rules and regulations made hereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing: *Provided further*, That no person licensed by the Secretary of Agriculture to

inspect or grade grain or employed by him in carrying out any of the provisions of this Act shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, nor shall he be in the employment of any person or corporation owning or operating any grain elevator or warehouse.

The Secretary of Agriculture shall require every inspector licensed under this Act to keep complete and correct records of all grain graded and inspected by him, and to make reports to the Secretary of Agriculture, in such forms and at such times as he may require, showing the place of inspection, the date of inspection, the name of the elevator or warehouse, if any, to which the grain was delivered or from which it was shipped, the kind of grain, the quantity of each kind, the grade thereof, and such other information as the Secretary of Agriculture may deem necessary. The Secretary of Agriculture, on each first Tuesday in January and each first Tuesday in July of each year shall make publication of a summary of such facts as are ascertained, showing in as great detail as possible all the facts, including a summary as to the amount and grade of grain delivered to the elevator or warehouse and the amount and grade of grain delivered from such elevator or warehouse, and the estimated amount received on sample or type by such elevator or warehouse, and the estimated amount delivered therefrom on sample or type. (39 Stat. 484.)

Sec. 298. (Act August 11, 1916, ch. 313, sec. 8.) Rules and regulations for carrying out provisions of act.

That the Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this Act. (39 Stat. 485.)

Sec. 299. (Act August 11, 1916, ch. 313, sec. 9.) Violations of sections 4 and 7, improper inspection of grain, giving false certificate of grade, accepting money, etc., for neglect or improper performance of duty or improperly influencing inspector in performance of duty; punishment.

That any person who shall knowingly violate any of the provisions of sections four or seven of this Act, or any inspector licensed under this Act who shall knowingly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly give any false certificate of grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000, or be imprisoned not more than one year, or both. (39 Stat. 485.)

Sec. 300. (Act August 11, 1916, ch. 313, sec. 10.) Assaulting, resisting, impeding, or interfering with officer or employee of the Department of Agriculture in execution of duties authorized by act; punishment.

That every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be per-

formed by this Act or the rules and regulations made hereunder shall, upon conviction thereof, be fined not more than \$1,000, or be imprisoned not more than one year, or both. (39 Stat. 485.)

Sec. 301. (Act August 11, 1916, ch. 313, sec. 11.) Effect of partial invalidity of act.

That if any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered. (39 Stat. 485.)

Sec. 302. (Act August 11, 1916, ch. 313, sec. 12.) Appropriation for carrying act into effect.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, which shall be available until expended, for the expenses of carrying into effect the provisions of this Act, including such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere. (39 Stat. 485.)

Further appropriations for carrying into effect the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1918 and thereafter.

CHAPTER 16.

STANDARD FRUIT CONTAINERS.

Sec. 303. (Act August 31, 1916, ch. 426, sec. 1.) Standards for Climax baskets for grapes and other fruits and vegetables.

That standards for Climax baskets for grapes and other fruits and vegetables shall be the two-quart basket, four-quart basket, and twelve-quart basket, respectively:

(a) The standard two-quart Climax basket shall be of the following dimensions: Length of bottom piece, nine and one-half inches; width of bottom piece, three and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, three and seven-eighths inches, outside measurement, top of basket, length eleven inches and width five inches, outside measurement. Basket to have a cover five by eleven inches, when a cover is used.

(b) The standard four-quart Climax basket shall be of the following dimensions: Length of bottom piece, twelve inches; width of bottom piece, four and one-half inches; thickness of bottom piece, three-eighths of an inch; height of basket, four and eleven-sixteenths inches, outside measurement; top of basket, length fourteen inches, width six and one-fourth inches, outside measurement. Basket to have cover six and one-fourth inches by fourteen inches, when cover is used.

(c) The standard twelve-quart Climax basket shall be of the following dimensions: Length of bottom piece, sixteen inches; width of bottom piece, six and one-half inches; thickness of bottom piece, seven-sixteenths of an inch; height of basket, seven and one-sixteenth inches, outside measurement; top of basket, length nineteen inches, width nine inches, outside measurement. Basket to have cover nine inches by nineteen inches, when cover is used. (39 Stat. 673.)

This section and the five sections next following were an act entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes," cited above.

Section 7 of the act provided that the act should take effect November 1, 1917.

Sec. 304. (Act August 31, 1916, ch. 426, sec. 2.) Standard basket or container for small fruits and vegetables.

That the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart.

(a) The dry half pint shall contain sixteen and eight-tenths cubic inches.

(b) The dry pint shall contain thirty-three and six-tenths cubic inches.

(c) The dry quart shall contain sixty-seven and two-tenths cubic inches. (39 Stat. 673.)

Sec. 305. (Act August 31, 1916, ch. 426, sec. 3.) Manufacture, or sale for shipment, or shipment, from one State, etc., to another, of baskets or containers not conforming with act, unlawful; punishment; not to apply to foreign trade where conforming to foreign standards.

That it shall be unlawful to manufacture for shipment, or to sell for shipment, or to ship from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, any Climax baskets or other containers for small fruits, berries, or vegetables, whether filled or unfilled, which do not conform to the provisions of this Act; and any person guilty of a willful violation of any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$25: *Provided*, That nothing herein contained shall apply to the manufacture, sale, or shipment of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables when intended for export to foreign countries when such Climax baskets, baskets, or other containers for small fruits, berries, and vegetables accord with the specifications of the foreign purchasers or comply with the law of the country to which shipment is made or to be made. (39 Stat. 674.)

Sec. 306. (Act August 31, 1916, ch. 426, sec. 4.) Examination and test of baskets or containers by Department of Agriculture; rules and regulations.

That the examination and test of Climax baskets, baskets, or other containers for small fruits, berries, and vegetables, for the purpose of determining whether such baskets or other containers comply with the provisions of this Act, shall be made by the Department of Agriculture, and the Secretary of Agriculture shall establish and promulgate rules and regulations allowing such reasonable tolerances and variations as may be found necessary. (39 Stat. 674.)

Appropriations to enable the Secretary of Agriculture to carry this act into effect were made annually in the agricultural appropriation acts for the fiscal years 1918 and thereafter.

Sec. 307. (Act August 31, 1916, ch. 426, sec. 5.) Duty of district attorneys to prosecute for violations of act.

That it shall be the duty of each district attorney, to whom satisfactory evidence of any violation of the Act is presented, to cause appropriate proceedings to be commenced and prosecuted in the proper court of the United States for the enforcement of the penalties as in such case herein provided. (39 Stat. 674.)

Sec. 308. (Act August 31, 1916, ch. 426, sec. 6.) Guaranty of manufacturer, etc., of baskets or containers as protection to dealer from prosecution under act.

That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the manufacturer, wholesaler, jobber, or other party residing within the United States from whom such Climax baskets, baskets, or other containers, as defined in this Act, were purchased, to the effect that said Climax baskets, baskets, or other containers are correct within the meaning of this Act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of Climax baskets, baskets, or other containers to such dealer, and in such case

said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this Act. (39 Stat. 674.)

Sec. 309. (Act August 3, 1912, ch. 273, sec. 1.) Standard barrel for apples; steel barrels.

That the standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thousand and fifty-six cubic inches: *Provided*, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith. (37 Stat. 250.)

This section and the five sections next following are parts of an act entitled "An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes," cited above.

Section 7, omitted here, provided that the act shall take effect July 1, 1913.

Sec. 310. (Act August 3, 1912, ch. 273, sec. 2.) Standard grades for apples for shipment in interstate or foreign commerce.

That the standard grades for apples when packed in barrels which shall be shipped or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States shall be as follows: Apples of one variety, which are well-grown specimens, hand picked, of good color for the variety, normal shape, practically free from insect and fungous injury, bruises, and other defects, except such as are necessarily caused in the operation of packing, or apples of one variety which are not more than ten per centum below the foregoing specifications shall be "Standard grade minimum size two and one-half inches," if the minimum size of the apples is two and one-half inches in transverse diameter; "Standard grade minimum size two and one-fourth inches," if the minimum size of the apples is two and one-fourth inches in transverse diameter; or "Standard grade minimum size two inches," if the minimum size of the apples is two inches in transverse diameter. (37 Stat. 250.)

Sec. 311. (Act August 3, 1912, ch. 273, sec. 3.) Branding grades of apples on barrels.

That the barrels in which apples are packed in accordance with the provision of this Act may be branded in accordance with section two of this Act. (37 Stat. 251.)

Sec. 312. (Act August 3, 1912, ch. 273, sec. 4.) Barrels deemed below standard; marking.

That all barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as herein defined, and the capacity of the barrel is less than the capacity prescribed by section one of this Act, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by section one of this Act. The marking re-

quired by this paragraph shall be in block letters of size not less than seventy-two point one-inch gothic. (37 Stat. 251.)

Sec. 313. (Act August 3, 1912, ch. 273, sec. 5.) Barrels deemed misbranded; apples below standard grade; failure to state variety, locality and packer.

That barrels packed with apples shall be deemed to be misbranded within the meaning of this Act—

First. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the apples when packed do not conform to the requirements prescribed by section two of this Act.

Second. If the barrel bears any statement, design, or device indicating that the apples contained therein are "Standard" grade and the barrel fails to bear also a statement of the name of the variety, the name of the locality where grown, and the name of the packer or the person by whose authority the apples were packed and the barrel marked. (37 Stat. 251.)

Sec. 314. (Act August 3, 1912, ch. 273, sec. 6.) Penalty for violations of act.

That any person, firm or corporation, or association who shall knowingly pack or cause to be packed apples in barrels or who shall knowingly sell or offer for sale such barrels in violation of the provisions of this Act shall be liable to a penalty of one dollar and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction. (37 Stat. 251.)

CHAPTER 17.

WAREHOUSES.

Sec. 315. (Act August 11, 1916, ch. 313, sec. 1.) Short title of act.

That this Act shall be known by the short title of "United States warehouse Act." (39 Stat. 486.)

This section and the thirty-two sections next following were provisions of the agricultural appropriation act for the fiscal year 1917, cited above, as amended. These provisions were preceded by the following paragraph:

"PART C.

That this part, to be known as the United States warehouse Act, be and is hereby enacted, to read and be effective hereafter as follows."

Sec. 316. (Act August 11, 1916, ch. 313, sec. 2, as amended by act February 23, 1923, ch. 106.) "Warehouse," "person," "warehouseman," and "receipt," defined.

That the term "warehouse" as used in this Act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this Act, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt. (39 Stat. 486; 42 Stat. 1282.)

This section was amended by Act February 23, 1923, ch. 106, cited above, by striking out therefrom, after the first sentence, the words "The term 'agricultural product' wherever used in this Act shall be deemed to mean cotton, wool, grains, tobacco, and flaxseed, or any of them."

Sec. 317. (Act August 11, 1916, ch. 313, sec. 3.) Investigation of storage, warehousing, classification, weighing, and certification, of agricultural products; inspection and classification of warehouses; prescribing duties of warehousemen.

That the Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this Act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this Act; to determine whether warehouses for which licenses are applied for or have been issued under this Act are suitable for the proper storage of any agricultural product or products; to classify warehouses licensed or applying for a license in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this Act; and to prescribe, within the limitations of this Act, the duties of the warehousemen conducting warehouses licensed

under this Act with respect to their care of and responsibility for agricultural products stored therein. (39 Stat. 486.)

The Secretary of Agriculture or his authorized representatives are empowered to administer oaths, examine witnesses and call for the production of books and papers in the performance of the duties required in the administration or enforcement of provisions of the Warehouse Act, by a provision of Act July 24, 1919, ch. 26, *ante*, sec. 86.

Sec. 318. (Act August 11, 1916, ch. 313, sec. 4.) Issue of licenses to warehouseman; warehouses to be suitable for storage of agricultural products and warehousemen to agree to comply with act and rules and regulations thereunder.

That the Secretary of Agriculture is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this Act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this Act and the rules and regulations prescribed hereunder. (39 Stat. 486.)

Sec. 319. (Act August 11, 1916, ch. 313, sec. 5, as amended by Act February 23, 1923, ch. 106.) Termination of licenses; modification or extension.

That each license issued under sections four and nine of this Act shall terminate as therein provided, or in accordance with the terms of this Act and the regulations thereunder, and may from time to time be modified or extended by written instrument. (39 Stat. 486: 42 Stat. 1282.)

This section prior to amendment by Act February 23, 1923, ch. 106, cited above, read as follows: "That each license issued under sections four and nine of this Act shall be issued for a period not exceeding one year and shall specify the date upon which it is to terminate, and upon showing satisfactory to the Secretary of Agriculture may from time to time be renewed or extended by a written instrument, which shall specify the date of its termination."

Sec. 320. (Act August 11, 1916, ch. 313, sec. 6, as amended by Act July 24, 1919, ch. 26, and Act February 23, 1923, ch. 106.) Bond of applicant for license; conditions, form, amount, and sureties; additional bond.

That each warehouseman applying for a license to conduct a warehouse in accordance with this Act shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as under the terms of this Act and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this Act, and may, in the dis-

cretion of the Secretary of Agriculture, include the requirements of fire insurance. Whenever the Secretary of Agriculture shall determine that a bond approved by him is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked. (39 Stat. 486; 41 Stat. 266; 42 Stat. 1283.)

This section was amended by Act July 24, 1919, ch. 26, cited above, by striking out therefrom the words "other than personal security" following the words "a good and sufficient bond," in the first sentence, and striking out therefrom the words "including the requirements of fire insurance" at the end of the second sentence.

The section was further amended by Act February 23, 1923, ch. 106, cited above, by inserting at the end of the second sentence thereof the words "and may, in the discretion of the Secretary of Agriculture, include the requirements of fire insurance."

Sec. 321. (Act August 11, 1916, ch. 313, sec. 7.) Right of action on bond of applicant by persons injured.

That any person injured by the breach of any obligation to secure which a bond is given, under the provisions of section six or nine, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach. (39 Stat. 487.)

Sec. 322. (Act August 11, 1916, ch. 313, sec. 8.) Designation of warehouse as bonded warehouse.

That upon the filing with and approval by the Secretary of Agriculture of a bond, in compliance with this Act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this Act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section six, has been filed with and approved by the Secretary of Agriculture, nor unless the license issued under this Act for the conduct of such warehouse remains unsuspended and unrevoked. (39 Stat. 487.)

Sec. 323. (Act August 11, 1916, ch. 313, sec. 9.) Issue of licenses to persons not warehousemen to accept custody of and store agricultural products in warehouse owned by state; licensee to issue receipts for products, give bond, and to be subject to act and rules and regulations.

That the Secretary of Agriculture may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this Act and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this Act and the rules and regulations hereunder affecting warehousemen licensed under this Act, and shall otherwise be subject to this Act and such rules and regulations to the same extent as is provided for warehousemen licensed hereunder. (39 Stat. 487.)

Sec. 324. (Act August 11, 1916, ch. 313, sec. 10.) Fees for examining or inspecting warehouses and issuing licenses or renewals thereof; disposition of fees.

That the Secretary of Agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this Act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding \$2 per annum for each license or renewal thereof issued to a warehouseman under this Act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. (39 Stat. 487.)

Sec. 325. (Act August 11, 1916, ch. 313, sec. 11, as amended by Act February 23, 1923, ch. 106.) Licenses to persons to inspect, sample, classify, grade, or weigh agricultural products for storage; conditions of issue.

That the Secretary of Agriculture may upon presentation of satisfactory proof of competency issue to any person a license to inspect, sample or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this Act, according to condition, grade or otherwise and to certificate the condition, grade or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample or classify and weigh the same and to certificate the condition, grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this Act and of the rules and regulations prescribed hereunder so far as the same relate to him. (39 Stat. 487; 42 Stat. 1283.)

This section was amended by Act February 23, 1923, ch. 106, cited above, by inserting after the words "a license to," the words "inspect, sample or," and by inserting after the words "according to," the word "condition," and by inserting after the words "grade or otherwise and to certificate the," the word "condition," and by inserting after the words "or both to," the words "inspect, sample or," and after the words "classify and weigh the same and to certificate," the word "condition."

Sec. 326. (Act August 11, 1916, ch. 313, sec. 12, as amended by Act February 23, 1923, ch. 106.) Suspension or revocation of license to inspect, etc., agricultural products.

That any license issued to any person to inspect, sample or classify or to weigh any agricultural product or products under this Act may be suspended or revoked by the Secretary of Agriculture whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this Act or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. (39 Stat. 487; 42 Stat. 1283.)

This section was amended by Act February 23, 1923, ch. 106, cited above, by inserting after the words "license issued to any person," the words "inspect, sample or," and by inserting after the words "licensee has failed," the words "inspect, sample, or."

Sec. 327. (Act August 11, 1916, ch. 313, sec. 13.) Licensed warehousemen to receive agricultural products for storage without discrimination.

That every warehouseman conducting a warehouse licensed under this Act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discriminations between persons desiring to avail themselves of warehouse facilities. (39 Stat. 488.)

Sec. 328. (Act August 11, 1916, ch. 313, sec. 14.) Deposits of agricultural products for storage to be deemed deposited subject to act and rules and regulations.

That any person who deposits agricultural products for storage in a warehouse licensed under this Act shall be deemed to have deposited the same subject to the terms of this Act and the rules and regulations prescribed hereunder. (39 Stat. 488.)

Sec. 329. (Act August 11, 1916, ch. 313, sec. 15, as amended by Act February 23, 1923, ch. 106.) Fungible agricultural products stored for interstate or foreign commerce in licensed warehouses, to be inspected and graded by licensed persons.

That any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this Act shall be inspected and graded by a person duly licensed to grade the same under this Act. (39 Stat. 488; 42 Stat. 1283.)

This section was amended by Act February 23, 1923, ch. 106, cited above, by striking out of the first line thereof, after the word "That," the words "grain, flaxseed, or," and by striking out of the first line thereof, after the word "any," the word "other."

Sec. 330. (Act August 11, 1916, ch. 313, sec. 16.) Agricultural products stored to be kept separate; mingling fungible products of same kind and grade; liability for care and redelivery; mixing fungible products of different grades forbidden.

That every warehouseman conducting a warehouse licensed under this Act shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades. (39 Stat. 488.)

Sec. 331. (Act August 11, 1916, ch. 313, sec. 17.) Receipts for agricultural products stored in licensed warehouses; no receipts without actual storage.

That for all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this Act original re-

ceipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof. (39 Stat. 488.)

Sec. 332. (Act August 11, 1916, ch. 313, sec. 18, as amended by Act July 24, 1919, ch. 26, and Act February 23, 1923, ch. 106.) Contents of receipts for agricultural products stored in licensed warehouses.

That every receipt issued for agricultural products stored in a warehouse licensed under this Act shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to the United States warehouse Act and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this Act as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued: *Provided, however*, That the Secretary of Agriculture may in his discretion require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable. (39 Stat. 488; 41 Stat. 266; 42 Stat. 1284.)

This section was amended by Act July 24, 1919, ch. 26, cited above, by striking out therefrom, at the end thereof, the words "if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable."

This section was further amended by Act February 23, 1923, ch. 106, cited above, by the addition thereto of the last proviso, as set forth above.

The establishment of official standards for certain grains was provided for by the Grain Standards Act, Act August 11, 1916, ch. 313, Part B, secs. 2-4, *ante*, secs. 292-294.

Sec. 333. (Act August 11, 1916, ch. 313, sec. 19, as amended by Act February 23, 1923, ch. 106.) Standards for agricultural products covered by act.

That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority of any other Act of Congress shall be, and are hereby, adopted for the purpose of this Act as the official standards of the United States for the agricultural products to which they relate. (39 Stat. 489; 42 Stat. 1284.)

This section was amended by Act February 23, 1923, ch. 106, cited above, by striking out therefrom, after the words "to establish and promulgate standards for agricultural products," the words "in this Act defined."

Official standards for certain grains were provided for by the Grain Standards Act of August 11, 1916, ch. 313, Part B., secs. 2-4, *ante*, secs. 292-294.

Sec. 334. (Act August 11, 1916, ch. 313, sec. 20.) Other or further receipts not to be issued while original receipt is outstanding, unless original lost or destroyed.

That while an original receipt issued under this Act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this Act. (39 Stat. 489.)

Sec. 335. (Act August 11, 1916, ch. 313, sec. 21.) Delivery of agricultural products stored on demand by depositor or holder of receipt.

That a warehouseman conducting a warehouse licensed under this Act, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered.

an acknowledgment that they have been delivered if such signature is requested by the warehouseman. (39 Stat. 489.)

Sec. 336. (Act August 11, 1916, ch. 313, sec. 22.) Cancellation of receipts on delivery of agricultural products stored.

That a warehouseman conducting a warehouse licensed under this Act shall plainly cancel upon the face thereof each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued. (39 Stat. 490.)

Sec. 337. (Act August 11, 1916, ch. 313, sec. 23.) Records of agricultural products stored in warehouses; reports to Secretary of Agriculture concerning condition, contents, operation, and business of warehouses; conduct of warehouses in accordance with act and rules and regulations.

That every warehouseman conducting a warehouse licensed under this Act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this Act and the rules and regulations made hereunder. (39 Stat. 490.)

Sec. 338. (Act August 11, 1916, ch. 313, sec. 24.) Examination of agricultural products stored in warehouses; publication of findings on failure to conform with act and rules and regulations.

That the Secretary of Agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouses licensed under this Act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this Act and the rules and regulations made hereunder, the Secretary may publish his findings. (39 Stat. 490.)

Sec. 339. (Act August 11, 1916, ch. 313, sec. 25.) Suspension or revocation of licenses for violation of or failure to conform with law or rules and regulations.

That the Secretary of Agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this Act, for any violation of or failure to comply with any provision of this Act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. (39 Stat. 490.)

Sec. 340. (Act August 11, 1916, ch. 313, sec. 26.) Publication of results of investigations of warehouses, etc.; publication of names and locations of licensed and bonded warehouses.

That the Secretary of Agriculture from time to time may publish the results of any investigations made under section three of this Act: and he shall publish the names and locations of warehouses

licensed and bonded and the names and addresses of persons licensed under this Act and lists of all licenses terminated under this Act and the causes therefor. (39 Stat. 490.)

Sec. 341. (Act August 11, 1916, ch. 313, sec. 27.) Examination of books, etc., of licensed warehouses and warehousemen.

That the Secretary of Agriculture is authorized through officials, employees, or agents of the Department of Agriculture designated by him to examine all books, records, papers, and accounts of warehouses licensed under this Act and of the warehousemen conducting such warehouses relating thereto. (39 Stat. 490.)

The Secretary of Agriculture or his authorized representatives are empowered to administer oaths, examine witnesses, and call for the production of books and papers, in the performance of the duties required of the Bureau of Markets in the administration or enforcement of provisions of the Warehouse Act, by a provision of Act July 24, 1919, ch. 26, *ante*, sec. 86.

Sec. 342. (Act August 11, 1916, ch. 313, sec. 28.) Rules and regulations for execution of act.

That the Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this Act. (39 Stat. 490.)

Sec. 343. (Act August 11, 1916, ch. 313, sec. 29, as amended by Act February 23, 1923, ch. 106.) State laws not affected; cooperation with States in enforcement of State laws; laws in the District of Columbia, Territories, or insular possessions not affected.

That nothing in this Act shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers or classifiers; but the Secretary of Agriculture is authorized to cooperate with such officials as are charged with the enforcement of such State laws in such States and through such cooperation to secure the enforcement of the provisions of this Act; nor shall this Act be construed so as to limit the operation of any statute of the United States relating to warehouses or warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States. (39 Stat. 490; 42 Stat. 1285.)

This section was amended by Act February 23, 1923, ch. 106, cited above, by inserting therein, after the words "warehouses, warehousemen, weighers, graders," in the two places where these words appear, the words "inspectors, samplers."

Sec. 344. (Act August 11, 1916, ch. 313, sec. 30, as amended by Act February 23, 1923, ch. 106.) Forging, altering, etc., licenses, violating or failing to comply with act, issuing or uttering false or fraudulent receipt or certificate, conversion of stored products; punishment; reimbursement to owner of products converted, etc.; drawing false samples or classifying, etc., fraudulently; punishment.

That every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture under this Act, or who shall violate or fail to comply with any provision of section eight of this Act, or who shall issue or utter a false or fraudulent receipt or certificate, or any person who, without lawful authority, shall convert to

his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this Act or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$10,000, or double the value of the products involved if such double value exceeds \$10,000, or imprisoned not more than one year, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture, for the value of such products to the extent that such owner has not otherwise been reimbursed. That any person who shall draw with intent to deceive a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this Act, or who shall classify, grade or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not more than \$500 or imprisoned for not more than six months, or both, in the discretion of the court. (39 Stat. 490; 42 Stat. 1285.)

This section was amended by Act February 23, 1923, ch. 106, cited above, by the insertion therein of all matter after the words "receipt or certificate" in the fifth and sixth lines, and before the words "shall be deemed guilty of a misdemeanor" in the last sentence, to make the section read as above set forth.

Sec. 345. (Act August 11, 1916, ch. 313, sec. 31.) Appropriation for carrying act into effect; employment of temporary assistance.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, available until expended, for the expenses of carrying into effect the provisions of this Act, including the payment of such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, and he is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this Act, and out of the moneys appropriated by this Act to pay the salaries and expenses thereof. (39 Stat. 491.)

Further appropriations for carrying into effect the provisions of this Act were made annually in the agricultural appropriation acts for the fiscal years 1918 and thereafter.

Sec. 346. (Act August 11, 1916, ch. 313, sec. 32.) Effect of partial invalidity of act.

That if any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (39 Stat. 491.)

Sec. 347. (Act August 11, 1916, ch. 313, sec. 33.) Right to amend, alter, or repeal act.

That the right to amend, alter, or repeal this Act is hereby expressly reserved. (39 Stat. 491.)

CHAPTER 18.

ASSOCIATIONS OF PRODUCERS OF AGRICULTURAL PRODUCTS.

Sec. 347a. (Act February 18, 1922, ch. 57, sec. 1.) Associations of producers of agricultural products for marketing, etc., authorized; marketing agencies in common and contracts, etc., to effect purposes, authorized; requirements.

That persons engaged in the production of agricultural products as farmers, planters, ranchmen, dairymen, nut or fruit growers may act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce, such products of persons so engaged. Such associations may have marketing agencies in common; and such associations and their members may make the necessary contracts and agreements to effect such purposes: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof, as such producers, and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein, or,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in the products of non-members to an amount greater in value than such as are handled by it for members. (42 Stat. 388.)

This section and the section next following were an act entitled "An act to authorize association of producers of agricultural products," cited above.

Sec. 347b. (Act February 18, 1922, ch. 57, sec. 2.) Monopolizing or restraining trade or unduly enhancing prices; complaint by Secretary of Agriculture; hearing; order to cease and desist; enforcement by district court; jurisdiction of district court; findings of Secretary of Agriculture prima facie evidence; temporary injunction; permanent injunction; manner of serving complaint, etc.

That if the Secretary of Agriculture shall have reason to believe that any such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced by reason thereof, he shall serve upon such association a complaint stating his charge in that respect, to which complaint shall be attached, or contained therein, a notice of hearing, specifying a day and place not less than thirty days after the service thereof, requiring the association to show cause why an order should not be made directing it to cease and desist from

monopolization or restraint of trade. An association so complained of may at the time and place so fixed show cause why such order should not be entered. The evidence given on such a hearing shall be taken under such rules and regulations as the Secretary of Agriculture may prescribe, reduced to writing, and made a part of the record therein. If upon such hearing the Secretary of Agriculture shall be of the opinion that such association monopolizes or restrains trade in interstate or foreign commerce to such an extent that the price of any agricultural product is unduly enhanced thereby, he shall issue and cause to be served upon the association an order reciting the facts found by him, directing such association to cease and desist from monopolization or restraint of trade. On the request of such association or if such association fails or neglects for thirty days to obey such order, the Secretary of Agriculture shall file in the district court in the judicial district in which such association has its principal place of business a certified copy of the order and of all the records in the proceeding, together with a petition asking that the order be enforced, and shall give notice to the Attorney General and to said association of such filing. Such district court shall thereupon have jurisdiction to enter a decree affirming, modifying, or setting aside said order, or enter such other decree as the court may deem equitable, and may make rules as to pleadings and proceedings to be had in considering such order. The place of trial may, for cause or by consent of parties, be changed as in other causes.

The facts found by the Secretary of Agriculture and recited or set forth in said order shall be *prima facie* evidence of such facts, but either party may adduce additional evidence. The Department of Justice shall have charge of the enforcement of such order. After the order is so filed in such district court and while pending for review therein the court may issue a temporary writ of injunction forbidding such association from violating such order or any part thereof. The court may, upon conclusion of its hearing, enforce its decree by a permanent injunction or other appropriate remedy. Service of such complaint and of all notices may be made upon such association by service upon any officer or agent thereof engaged in carrying on its business, or on any attorney authorized to appear in such proceeding for such association, and such service shall be binding upon such association, the officers, and members thereof. (42 Stat. 388.)

See preceding section and note thereto.

CHAPTER 19.

PACKERS AND STOCKYARDS.

Sec. 348. (Act August 15, 1921, ch. 64, sec. 1.) Title of Act.

TITLE I.—DEFINITIONS.

This Act may be cited as the "Packers and Stockyards Act, 1921." (42 Stat. 159.)

This section and the thirty sections next following were an act entitled "An Act to regulate interstate and foreign commerce in live stock, live-stock products, dairy products, poultry, poultry products, and eggs, and for other purposes," cited above.

Sec. 349. (Act August 15, 1921, ch. 64, sec. 2.) "Persons," "Secretary," "meat-food products," "live stock," "live-stock products," "commerce," defined.

(a) When used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture;

(3) The term "meat food products" means all products and by-products of the slaughtering and meat-packing industry—if edible;

(4) The term "live stock" means cattle, sheep, swine, horses, mules, or goats—whether live or dead;

(5) The term "live-stock products" means all products and by-products (other than meats and meat food products) of the slaughtering and meat-packing industry derived in whole or in part from live stock; and

(6) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession, or the District of Columbia.

(b) For the purpose of this Act (but not in any wise limiting the foregoing definition) a transaction in respect to any article shall be considered to be in commerce if such article is part of that current of commerce usual in the live-stock and meat-packing industries, whereby live stock, meats, meat food products, live-stock products, dairy products, poultry, poultry products, or eggs, are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for slaughter of live stock within the State and the shipment outside the State of the products resulting from such slaughter. Articles normally in such current of commerce shall not be considered out of such current through resort being had

to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (42 Stat. 159.)

Sec. 350. (Act August 15, 1921, ch. 64, sec. 201.) "Packer" defined.

TITLE II.—PACKERS.

When used in this Act—

The term "packer" means any person engaged in the business (a) of buying live stock in commerce for purposes of slaughter, or (b) of manufacturing or preparing meats or meat food products for sale or shipment in commerce, or (c) of manufacturing or preparing live-stock products for sale or shipment in commerce, or (d) of marketing meats, meat food products, live-stock products, dairy products, poultry, poultry products, or eggs, in commerce; but no person engaged in such business of manufacturing or preparing live-stock products or in such marketing business shall be considered a packer unless—

(1) Such person is also engaged in any business referred to in clause (a) or (b) above or unless

(2) Such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, any interest in any business referred to in clause (a) or (b) above, or unless

(3) Any interest in such business of manufacturing or preparing live-stock products, or in such marketing business is owned or controlled, directly or indirectly, through stock ownership or control or otherwise, by himself or through his agents, servants, or employees, by any person engaged in any business referred to in clause (a) or (b) above, or unless

(4) Any person or persons jointly or severally, directly or indirectly, through stock ownership or control or otherwise, by themselves or through their agents, servants, or employees, own or control in the aggregate 20 per centum or more of the voting power or control in such business of manufacturing or preparing live-stock products, or in such marketing business and also 20 per centum or more of such power or control in any business referred to in clause (a) or (b) above. (42 Stat. 160.)

Sec. 351. (Act August 15, 1921, ch. 64, sec. 202.) Unlawful acts; giving undue or unreasonable preferences; apportioning supply among packers in restraint of commerce or to create monopoly; trading to manipulate or control prices, create monopoly, or in restraint of commerce; conducting business to manipulate or control prices, create monopoly, or restrain commerce; conspiring to apportion territory or purchases or sales, or to manipulate or control prices; conspiring to aid in unlawful acts.

It shall be unlawful for any packer to:

(a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in commerce; or

(b) Make or give, in commerce, any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject, in commerce, any particular person or locality

to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(c) Sell or otherwise transfer to or for any other packer, or buy or otherwise receive from or for any other packer, any article for the purpose or with the effect of apportioning the supply in commerce between any such packers, if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly in commerce; or

(d) Sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce; or

(e) Engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices in commerce, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article in commerce, or of restraining commerce; or

(f) Conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business in commerce, or (2) to apportion purchases or sales of any article in commerce, or (3) to manipulate or control prices in commerce; or

(g) Conspire, combine, agree or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by subdivision (a), (b), (c), (d), or (e). (42 Stat. 161.)

Sec. 352. (Act August 15, 1921, ch. 64, sec. 203.) Service of complaints upon packers for violations; hearings; intervention by others; amending complaint; report of findings and issue of order to cease violations; preservation of testimony; amendment, etc., of report on order prior to appeal; manner of service of processes.

(a) Whenever the Secretary has reason to believe that any packer has violated or is violating any provision of this title, he shall cause a complaint in writing to be served upon the packer, stating his charges in that respect, and requiring the packer to attend and testify at a hearing at a time and place designated therein, at least thirty days after the service of such complaint; and at such time and place there shall be afforded the packer a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such regulations as the Secretary may prescribe. Any person for good cause shown may on application be allowed by the Secretary to intervene in such proceeding, and appear in person or by counsel. At any time prior to the close of the hearing the Secretary may amend the complaint; but in case of any amendment adding new charges the hearing shall, on the request of the packer, be adjourned for a period not exceeding fifteen days.

(b) If, after such hearing, the Secretary finds that the packer has violated or is violating any provisions of this title covered by the charges, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on the packer an order requiring such packer to cease and desist from continuing such violation. The testimony taken at the hearing shall be

reduced to writing and filed in the records of the Department of Agriculture.

(c) Until a transcript of the record in such hearing has been filed in a circuit court of appeals of the United States, as provided in section 204, the Secretary at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the packer to be heard, may amend or set aside the report or order, in whole or in part.

(d) Complaints, orders, and other processes of the Secretary under this section may be served in the same manner as provided in section 5 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914. (42 Stat. 161.)

Section 204 of this act, referred to in paragraph (c) of this section, is set forth, *post*.

Provisions of act September 26, 1914, ch. 311, sec. 5, 38 Stat. 721, referred to in paragraph (d) of this section, reads as follows:

"Complaints, orders, and other processes of the commission under this section may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same."

Sec. 353. (Act August 15, 1921, ch. 64, sec. 204.) Order conclusive unless petition to set aside, etc., filed in circuit court of appeals; certification of record to court; amendment, etc., before filing record; temporary injunction until determination of appeal; evidence admitted accepted by court; preference and expedition of proceedings; authority of court; reopening of hearing on order of court; modification of findings; injunction by court; exclusive jurisdiction of circuit court of appeals; review by Supreme Court; jurisdiction of Court of Appeals of District of Columbia.

(a) An order made under section 203 shall be final and conclusive unless within thirty days after service the packer appeals to the circuit court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such packer will pay the costs of the proceedings if the court so directs.

(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the complaint, the evidence, and the report and order. If before such transcript is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

(c) At any time after such transcript is filed the court, on application of the Secretary, may issue a temporary injunction restraining,

to the extent it deems proper, the packer and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

(d) The evidence so taken or admitted, duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way.

(e) The court may affirm, modify, or set aside the order of the Secretary.

(f) If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

(g) If the circuit court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the packer, and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

(h) The circuit court of appeals shall have exclusive jurisdiction to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 240 of the Judicial Code, if such writ is duly applied for within sixty days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the circuit court of appeals, in so far as such decree operates as an injunction, unless so ordered by the Supreme Court.

(i) For the purposes of this title the term "circuit court of appeals," in case the principal place of business of the packer is in the District of Columbia, means the Court of Appeals of the District of Columbia. (42 Stat. 162.)

Section 203 of this act, referred to in paragraph (a) of this section, is set forth, *ante*, sec. 352.

The provisions of the Judicial Code, referred to in paragraph (h) of this section, were made by Act of March 3, 1911, ch. 231, sec. 240. 36 Stat. 1157.

Sec. 354. (Act August 15, 1921, ch. 64, sec. 205.) Failure to obey orders; if no appeal filed; if writ of certiorari not applied for; if order not sustained by courts; penalty.)

Any packer, or any officer, director, agent, or employee of a packer, who fails to obey any order of the Secretary issued under the provisions of section 203, or such order as modified—

(1) After the expiration of the time allowed for filing a petition in the circuit court of appeals to set aside or modify such order, if no such petition has been filed within such time; or

(2) After the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the circuit court of appeals and no such writ has been applied for within such time; or

(3) After such order, or such order as modified, has been sustained by the courts as provided in section 204: shall on conviction be fined not less than \$500 nor more than \$10,000, or imprisoned for not less than six months nor more than five years, or both. Each day during which such failure continues shall be deemed a separate offense. (42 Stat. 163.)

Sections 203 and 204 of this act, referred to in this section, are set forth, *ante*, secs. 352, 353.

Sec. 355. (Act August 15, 1921, ch. 64, sec. 301.) "Stockyard owner," "stockyard services," "market agency," "dealer," defined.)

TITLE III.—STOCKYARDS.

When used in this Act—

(a) The term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard;

(b) The term "stockyard services" means services or facilities furnished at a stockyard in connection with the receiving, buying or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling, in commerce, of live stock;

(c) The term "market agency" means any person engaged in the business of (1) buying or selling in commerce live stock at a stockyard on a commission basis or (2) furnishing stockyard services; and

(d) The term "dealer" means any person, not a market agency, engaged in the business of buying or selling in commerce live stock at a stockyard, either on his own account or as the employee or agent of the vendor or purchaser. (42 Stat. 163.)

Sec. 356. (Act August 15, 1921, ch. 64, sec. 302.) "Stockyard" defined; ascertainment of stockyards within definition and notice thereof; stockyards subject to Act after notice and until notice otherwise.

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling live stock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition. (42 Stat. 163.)

Sec. 357. (Act August 15, 1921, ch. 64, sec. 303.) Conducting business of market agency or dealer at stockyards, unless registered, prohibited; penalty for violation.

After the expiration of thirty days after the Secretary has given public notice that any stockyard is within the definition of section 302, by posting copies of such notice in the stockyard, no person shall carry on the business of a market agency or dealer at such stockyard unless he has registered with the Secretary under such rules and regulations as the Secretary may prescribe, his name and address, the character of business in which he is engaged and the kinds of stockyard services, if any, which he furnishes at such stockyard. Whoever violates the provisions of this section shall be liable to a penalty of not more than \$500 for each such offense and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States. (42 Stat. 163.)

Section 302 of this act, referred to in this section, is set forth, *ante*, sec. 356.

Sec. 358. (Act August 15, 1921, ch. 64, sec. 304.) Stockyard owners and market agencies to furnish services without discrimination.

It shall be the duty of every stockyard owner and market agency to furnish upon reasonable request, without discrimination, reasonable stockyard services at such stockyard. (42 Stat. 164.)

Sec. 359. (Act August 15, 1921, ch. 64, sec. 305.) Stockyard services furnished by stockyard owner or market agency to be just, reasonable, and non-discriminatory.

All rates or charges made for any stockyard services furnished at a stockyard by a stockyard owner or market agency shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful. (42 Stat. 164.)

Sec. 360. (Act August 15, 1921, ch. 64, sec. 306.) Schedules of rates to be filed by owners and market agencies; details required; changes except after ten days' notice to Secretary of Agriculture prohibited; modification of requirements by Secretary; use of rejected schedules unlawful; hearings on proposed new rates; suspension pending decision; issue of order; extension of suspension; changes allowed if proceeding not concluded and order issued; carrying on business without filing rates, charging other than specified rates, refunding except by cooperative associations, or extending services other than specified, prohibited; penalty for noncompliance with provisions of section or with regulations or orders; punishment for willful violations.

(a) Within sixty days after the Secretary has given public notice that a stockyard is within the definition of section 302, by posting copies of such notice in the stockyard, the stockyard owner and every market agency at such stockyard shall file with the Secretary, and print and keep open to public inspection at the stockyard, schedules showing all rates and charges for the stockyard services furnished by such person at such stockyard. If a market agency commences business at the stockyard after the expiration of such sixty days such schedules must be filed before any stockyard services are furnished.

(b) Such schedules shall plainly state all such rates and charges in such detail as the Secretary may require, and shall also state any rules or regulations which in any manner change, affect, or deter-

mine any part or the aggregate of such rates or charges, or the value of the stockyard services furnished. The Secretary may determine and prescribe the form and manner in which such schedules shall be prepared, arranged, and posted, and may from time to time make such changes in respect thereto as may be found expedient.

(c) No changes shall be made in the rates or charges so filed and published, except after ten days' notice to the Secretary and to the public filed and published as aforesaid, which shall plainly state the changes proposed to be made and the time such changes will go into effect; but the Secretary may, for good cause shown, allow changes on less than ten days' notice, or modify the requirements of this section in respect to publishing, posting, and filing of schedules, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

(d) The Secretary may reject and refuse to file any schedule tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the Secretary shall be void and its use shall be unlawful.

(e) Whenever there is filed with the Secretary any schedule, stating a new rate or charge, or a new regulation or practice affecting any rate or charge, the Secretary may either upon complaint or upon his own initiative without complaint, at once, and if he so orders without answer or other formal pleading by the person filing such schedule, but upon reasonable notice, enter upon a hearing concerning the lawfulness of such rate, charge, regulation, or practice, and pending such hearing and decision thereon the Secretary, upon filing with such schedule and delivering to the person filing it a statement in writing of his reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, charge, regulation, or practice, but not for a longer period than thirty days beyond the time when it would otherwise go into effect; and after full hearing, whether completed before or after the rate, charge, regulation, or practice goes into effect, the Secretary may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If any such hearing can not be concluded within the period of suspension the Secretary may extend the time of suspension for a further period not exceeding thirty days, and if the proceeding has not been concluded and an order made at the expiration of such thirty days, the proposed change of rate, charge, regulation, or practice shall go into effect at the end of such period.

(f) After the expiration of the sixty days referred to in subdivision (a) no person shall carry on the business of a stockyard owner or market agency unless the rates and charges for the stockyard services furnished at the stockyard have been filed and published in accordance with this section and the orders of the Secretary made thereunder; nor charge, demand, or collect a greater or less or different compensation for such services than the rates and charges specified in the schedules filed and in effect at the time; nor refund or remit in any manner any portion of the rates or charges so specified (but this shall not prohibit a cooperative association of producers from bona fide returning to its members, on a patronage basis, its excess earnings on their live stock, subject to such regulations as the Secretary may prescribe); nor extend to any person at such stockyard any stockyard services except such as are specified in such schedules.

(g) Whoever fails to comply with the provisions of this section or of any regulation or order of the Secretary made thereunder shall be liable to a penalty of not more than \$500 for each such offense, and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(h) Whoever willfully fails to comply with the provisions of this section or of any regulation or order of the Secretary made thereunder shall on conviction be fined not more than \$1,000, or imprisoned not more than one year, or both. (42 Stat. 164.)

Section 302 of this act, referred to in paragraph (a) of this section, is set forth, *ante*, sec. 356.

Sec. 361. (Act August 15, 1921, ch. 64, sec. 307.) Stockyard owners and market agencies to establish, etc., just, reasonable, and nondiscriminatory regulations and practices.

It shall be the duty of every stockyard owner and market agency to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in respect to the furnishing of stockyard services, and every unjust, unreasonable, or discriminatory regulation or practice is prohibited and declared to be unlawful. (42 Stat. 165.)

Sec. 362. (Act August 15, 1921, ch. 64, sec. 308.) Liability of stockyard owners, market agencies, or dealers for injury to persons by violations of Act; enforcement.

(a) If any stockyard owner, market agency, or dealer, violates any of the provisions of sections 304, 305, 306, or 307, or of any order of the Secretary made under this title, he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as provided in section 309, or (2) by suit in any district court of the United States of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies. (42 Stat. 165.)

Sections 304-307 of this act, referred to in paragraph (a) of this section, are set forth, *ante*, secs 358-361, and section 309, referred to in paragraph (b), is set forth, *post*, sec. 363.

Sec. 363. (Act August 15, 1921, ch. 64, sec. 309.) Complaints by persons injured by violations of Act to be filed with Secretary of Agriculture; defendant to be called upon to answer; liability relieved on reparation; investigation on failure; investigation on complaint by State, etc., agencies; investigation by Secretary on his own motion; complaints not to be dismissed for absence of direct damage; award to complainant of damages determined after hearing; institution of suit to enforce order; procedure.

(a) Any person complaining of anything done or omitted to be done by any stockyard owner, market agency, or dealer (hereinafter in this section referred to as the "defendant") in violation of the provisions of sections 304, 305, 306, or 307, or of an order of the Secretary made under this title, may, at any time within ninety days after the cause of action accrues, apply to the Secretary by petition which shall briefly state the facts, whereupon the complaint thus made shall be forwarded by the Secretary to the defendant, who shall

be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be specified by the Secretary. If the defendant within the time specified makes reparation for the injury alleged to be done he shall be relieved of liability to the complainant only for the particular violation thus complained of. If the defendant does not satisfy the complaint within the time specified, or there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the Secretary to investigate the matters complained of in such manner and by such means as he deems proper.

Sections 304-307 of this act, referred to in this section, are set forth, *ante*, secs. 358-361.

(b) The Secretary, at the request of the live-stock commissioner, Board of Agriculture, or other agency of a State or Territory, having jurisdiction over stockyards in such State or Territory, shall investigate any complaint forwarded by such agency in like manner and with the same authority and powers as in the case of a complaint made under subdivision (a).

(c) The Secretary may at any time institute an inquiry on his own motion, in any case and as to any matter or thing concerning which a complaint is authorized to be made to or before the Secretary, by any provision of this title, or concerning which any question may arise under any of the provisions of this title, or relating to the enforcement of any of the provisions of this title. The Secretary shall have the same power and authority to proceed with any inquiry instituted upon his own motion as though he had been appealed to by petition, including the power to make and enforce any order or orders in the case or relating to the matter or thing concerning which the inquiry is had, except orders for the payment of money.

(d) No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

(e) If after hearing on a complaint the Secretary determines that the complainant is entitled to an award of damages, the Secretary shall make an order directing the defendant to pay to the complainant the sum to which he is entitled on or before a day named.

(f) If the defendant does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the defendant or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be *prima facie* evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee to be taxed and collected as a part of the costs of the suit. (42 Stat. 165.)

Sec. 364. (Act August 15, 1921, ch. 64, sec. 310.) Authority of Secretary of Agriculture if rate, charge, regulation, or practice found unjust, unreasonable, or discriminatory; determination of rates or charges to be observed and regulation or practice to be followed; order to cease violations, not to charge, etc., rate other than prescribed, and to conform to regulation or practice prescribed.

Whenever after full hearing upon a complaint made as provided in section 309, or after full hearing under an order for investigation and hearing made by the Secretary on his own initiative, either in extension of any pending complaint or without any complaint whatever, the Secretary is of the opinion that any rate, charge, regulation, or practice of a stockyard owner or market agency, for or in connection with the furnishing of stockyard services, is or will be unjust, unreasonable, or discriminatory, the Secretary—

(a) May determine and prescribe what will be the just and reasonable rate or charge, or rates or charges, to be thereafter observed in such case, or the maximum or minimum, or maximum and minimum, to be charged, and what regulation or practice is or will be just, reasonable, and nondiscriminatory to be thereafter followed; and

(b) May make an order that such owner or operator (1) shall cease and desist from such violation to the extent to which the Secretary finds that it does or will exist; (2) shall not thereafter publish, demand, or collect any rate or charge for the furnishing of stockyard services other than the rate or charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be; and (3) shall conform to and observe the regulation or practice so prescribed. (42 Stat. 166.)

Section 309 of this act, referred to in this section, is set forth, *ante*, sec. 363.

Sec. 365. (Act August 15, 1921, ch. 64, sec. 311.) Rates, charges, regulations, or practices as to live stock not in interstate commerce, found to discriminate for intrastate against interstate commerce: Secretary of Agriculture to prescribe rate, charge, regulation, or practice to be observed; such rates, etc., to be observed irrespective of State laws, etc.

Whenever in any investigation under the provisions of this title, or in any investigation instituted by petition of the stockyard owner or market agency concerned, which petition is hereby authorized to be filed, the Secretary after full hearing finds that any rate, charge, regulation, or practice of any stockyard owner or market agency, for or in connection with the buying or selling on a commission basis or otherwise, receiving, marketing, feeding, holding, delivery, shipment, weighing, or handling, not in commerce, of live stock, causes any undue or unreasonable advantage, prejudice, or preference as between persons or localities in intrastate commerce in live stock on the one hand and interstate or foreign commerce in live stock on the other hand, or any undue, unjust, or unreasonable discrimination against interstate or foreign commerce in live stock, which is hereby forbidden and declared to be unlawful, the Secretary shall prescribe the rate, charge, regulation, or practice thereafter to be observed, in such manner as, in his judgment, will remove such advantage, preference, or discrimination. Such rates, charges, regulations, or practices shall be observed while in effect by the stockyard owners or market agencies parties to such proceeding affected thereby, the law of any State or the decision or order of

any State authority to the contrary notwithstanding. (42 Stat. 167.)

Sec. 366. (Act August 15, 1921, ch. 64, sec. 312.) Unfair, unjustly discriminatory, or deceptive practices as to live stock at stockyards, unlawful; Secretary of Agriculture to issue order to cease violations found to exist.

(a) It shall be unlawful for any stockyard owner, market agency, or dealer to engage in or use any unfair, unjustly discriminatory, or deceptive practice or device in connection with the receiving, marketing, buying or selling on a commission basis or otherwise, feeding, watering, holding, delivery, shipment, weighing or handling, in commerce at a stockyard, of live stock.

(b) Whenever complaint is made to the Secretary by any person, or whenever the Secretary has reason to believe, that any stockyard owner, market agency, or dealer is violating the provisions of subdivision (a), the Secretary after notice and full hearing may make an order that he shall cease and desist from continuing such violation to the extent that the Secretary finds that it does or will exist. (42 Stat. 167.)

Sec. 367. (Act August 15, 1921, ch. 64, sec. 313.) Taking effect of orders other than for payment of money.

Except as otherwise provided in this Act, all orders of the Secretary under this title, other than orders for the payment of money, shall take effect within such reasonable time, not less than five days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, according as is prescribed in the order, unless such order is suspended or modified or set aside by the Secretary or is suspended or set aside by a court of competent jurisdiction. (42 Stat. 167.)

Sec. 368. (Act August 15, 1921, ch. 64, sec. 314.) Penalty for failure to obey order; recovery by civil suit.

(a) Any stockyard owner, market agency, or dealer who knowingly fails to obey any order made under the provisions of sections 310, 311, or 312 shall forfeit to the United States the sum of \$500 for each offense. Each distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense. Such forfeiture shall be recoverable in a civil suit in the name of the United States.

(b) It shall be the duty of the various district attorneys, under the direction of the Attorney General, to prosecute for the recovery of forfeitures. The costs and expense of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

Sections 310-312 of this act, referred to in this section, are set forth, *ante*, secs. 364-366.

Sec. 369. (Act August 15, 1921, ch. 64, sec. 315.) Suits for failure to obey orders other than for payment of money; issue of injunction for enforcement.

If any stockyard owner, market agency, or dealer fails to obey any order of the Secretary other than for the payment of money while the same is in effect, the Secretary, or any party injured thereby, or the United States by its Attorney General, may apply to the

district court for the district in which such person has his principal place of business for the enforcement of such order. If after hearing the court determines that the order was lawfully made and duly served and that such person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person, his officers, agents, or representatives from further disobedience of such order or to enjoin upon him or them obedience to the same. (42 Stat. 167.)

Sec. 370. (Act August 15, 1921, ch. 64, sec. 316.) Provisions for suspension, restraining, or setting aside orders of Interstate Commerce Commission applicable to orders of Secretary of Agriculture under Act.

For the purposes of this title, the provisions of all laws relating to the suspending or restraining the enforcement, operation, or execution of, or the setting aside in whole or in part the orders of the Interstate Commerce Commission, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this title, and to any person subject to the provisions of this title. (42 Stat. 168.)

Sec. 371. (Act August 15, 1921, ch. 64, sec. 401.) Packers, stockyard owners, market agencies, and dealers required to keep accounts, etc.; Secretary of Agriculture authorized to prescribe manner and form of accounts, etc.; punishment for noncompliance.

TITLE IV.—GENERAL PROVISIONS.

Every packer, stockyard owner, market agency, and dealer shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Whenever the Secretary finds that the accounts, records, and memoranda of any such person do not fully and correctly disclose all transactions involved in his business, the Secretary may prescribe the manner and form in which such accounts, records, and memoranda shall be kept, and thereafter any such person who fails to keep such accounts, records, and memoranda in the manner and form prescribed or approved by the Secretary shall upon conviction be fined not more than \$5,000, or imprisoned not more than three years, or both. (42 Stat. 168.)

Sec. 372. (Act August 15, 1921, ch. 64, sec. 402.) Powers and duties of Federal Trade Commission made applicable to the Secretary of Agriculture for enforcing provisions of Act; Secretary or designated agents authorized to prosecute inquiries.

For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914, are made applicable to the jurisdiction, powers, and duties of the Secretary in enforcing the provisions of this Act and to any person subject to the provisions of this Act, whether or not a corporation. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States. (42 Stat. 168.)

Act September 26, 1914, ch. 311, secs. 6, 8, 9, 10, 38 Stat. 721-724, referred to in this section, read as follows:

"SEC. 6. That the commission shall also have power—

"(a) To gather and compile information concerning, and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the Act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

"(b) To require, by general or special orders, corporations engaged in commerce, excepting banks, and common carriers subject to the Act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

"(c) Whenever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust Acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the commission.

"(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust Acts by any corporation.

"(e) Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust Acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

"(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

"(g) From time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this Act.

"(h) To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, and to report to Congress thereon, with such recommendations as it deems advisable.

"SEC. 8. That the several departments and bureaus of the Government when directed by the President shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this Act, and shall detail from time to time such officials and employees to the commission as he may direct.

"SEC. 9. That for the purposes of this Act the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may sign subpoenas, and members and exam-

iners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this Act or any order of the commission made in pursuance thereof.

"The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this Act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

"Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpoena of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpoena issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"SEC. 10. That any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpoena or lawful requirement of the commission, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this Act, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and shall be subject, upon

conviction in any court of the United States of competent jurisdiction, to a fine of not less than \$1,000 nor more than \$5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

"If any corporation required by this Act to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for thirty days after notice of such default, the corporation shall forfeit to the United States the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecutions shall be paid out of the appropriation for the expenses of the courts of the United States.

"Any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed, by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court."

Sec. 373. (Act August 15, 1921, ch. 64, sec. 403.) Act, omission, or failure of agent, etc., deemed that of packer, stockyard owner, market agency, or dealer.

When construing and enforcing the provisions of this Act, the act, omission, or failure of any agent, officer, or other person acting for or employed by any packer, stockyard owner, market agency, or dealer, within the scope of his employment or office, shall in every case also be deemed the act, omission, or failure of such packer, stockyard owner, market agency, or dealer, as well as that of such agent, officer, or other person. (42 Stat. 168.)

Sec. 374. (Act August 15, 1921, ch. 64, sec. 404.) Secretary of Agriculture authorized to report, and Attorney General required to prosecute, violations.

The Secretary may report any violation of this Act to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. (42 Stat. 168.)

Sec. 375. (Act August 15, 1921, ch. 64, sec. 405.) Act not to prevent or interfere with provisions of antitrust acts, interstate commerce laws, export trade law, or antitrust provisions applicable to import trade.

Nothing contained in this Act, except as otherwise provided herein, shall be construed—

(a) To prevent or interfere with the enforcement of, or the procedure under, the provisions of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, the Interstate Commerce Act as amended, the Act entitled "An Act to promote export trade, and for other purposes," approved April 10, 1918, or sections 73 to 77, inclusive, of the Act of August 27, 1894, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," as amended by the Act entitled "An Act to amend sections seventy-three and seventy-six of the Act of August twenty-

seventh, eighteen hundred and ninety-four, entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved February 12, 1913, or

(b) To alter, modify, or repeal such Acts or any part or parts thereof, or

(c) To prevent or interfere with any investigation, proceeding, or prosecution begun and pending at the time this Act becomes effective. (42 Stat. 168.)

The acts and sections mentioned in this section, with their citations, are as follows: Act July 2, 1890, ch. 647, 26 Stat. 299; Act October 15, 1914, ch. 23, 38 Stat. 730; Act February 4, 1887, ch. 104, 24 Stat. 379; Act February 28, 1890, ch. 91, 41 Stat. 456; Act April 10, 1918, ch. 50, 40 Stat. 516; Act August 27, 1894, ch. 349, secs. 73-74, 28 Stat. 570; Act February 12, 1913, ch. 40, 37 Stat. 667.

Sec. 376. (Act August 15, 1921, ch. 64, sec. 406.) Act not to affect power or jurisdiction of Interstate Commerce Commission; Federal Trade Commission not to have power or jurisdiction over matter subject to jurisdiction of Secretary of Agriculture under Act; pending cases and investigations on request of Secretary, excepted.

(a) Nothing in this Act shall affect the power or jurisdiction of the Interstate Commerce Commission, nor confer upon the Secretary concurrent power or jurisdiction over any matter within the power or jurisdiction of such Commission.

(b) On and after the enactment of this Act, and so long as it remains in effect, the Federal Trade Commission shall have no power or jurisdiction so far as relating to any matter which by this Act is made subject to the jurisdiction of the Secretary, except in cases in which, before the enactment of this Act, complaint has been served under section 5 of the Act entitled "An Act to create a Federal Trade Commission, to define its power and duties, and for other purposes," approved September 26, 1914, or under section 11 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and except when the Secretary of Agriculture, in the exercise of his duties hereunder, shall request of the said Federal Trade Commission that it make investigations and report in any case. (42 Stat. 169.)

Citations to the sections of the acts mentioned in this section are as follows: Act September 26, 1914, ch. 311, sec. 5, 38 Stat. 719; Act October 15, 1914, ch. 323, sec. 11, 38 Stat. 734.

Sec. 377. (Act August 15, 1921, ch. 64, sec. 407.) Secretary of Agriculture authorized to make rules and regulations for carrying out Act, and to cooperate with Government departments, etc., States, etc., or persons; power to appoint, remove, and fix compensation of officers and employees, and make expenditures; appropriations authorized.

The Secretary may make such rules, regulations and orders as may be necessary to carry out the provisions of this Act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be neces-

sary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. (42 Stat. 169.)

Sec. 378. (Act August 15, 1921, ch. 64, sec. 408.) Effect of partial invalidity of Act.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (42 Stat. 169.)

CHAPTER 20.

SALE OF COTTON FOR FUTURE DELIVERY.

Sec. 379. (Act August 11, 1916, ch. 313, sec. 1.) Short title of act.

That this Act shall be known by the short title of the "United States cotton futures Act." (39 Stat. 476.)

This section and the twenty-one sections next following were provisions of the agricultural appropriation act for the fiscal year 1917, cited above. These provisions were preceded by the following paragraph:

"PART A.

"That this Part. to be known as the United States cotton futures Act, be, and hereby is, enacted to read and be effective hereafter as follows:"

This section is identical in language with section 1 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 380. (Act August 11, 1916, ch. 313, sec. 2.) "Contract of sale," and "person" defined: act, omission, etc., of official, agent, etc., of association, etc., or corporation, deemed act, omission, etc., also of association, etc., or corporation.

That, for the purposes of this Act, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person," wherever used in this Act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person. (39 Stat. 476.)

This section is identical in language with section 2 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 381. (Act August 11, 1916, ch. 313, sec. 3.) Tax on contracts of sale of cotton for future delivery made at any exchange, etc.

That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 2 cents for each pound of the cotton involved in any such contract. (39 Stat. 476.)

This section is identical in language with section 3 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 382. (Act August 11, 1916, ch. 313, sec. 4.) Contracts mentioned in preceding section to be in writing; requisites thereof.

That each contract of sale of cotton for future delivery mentioned in section three of this Act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such con-

tract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this Act, be deemed to weigh five hundred pounds. (39 Stat. 476.)

This section is identical in language with section 4 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 383. (Act August 11, 1916, ch. 313, sec. 5, as amended by Act March 4, 1919, ch. 125, sec. 6.) Tax not to be levied on exchange or board of trade contracts complying with conditions prescribed; rules and regulations by Secretary of Agriculture for determining classification of cotton, and effect of findings on reference.

That no tax shall be levied under this Act on any contract of sale mentioned in section three hereof if the contract comply with each of the following conditions:

First. Conform to the requirements of section four of, and the rules and regulations made pursuant to, this Act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences, determined as hereinafter provided.

Fifth. Provide that cotton that, because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that is below the grade of low middling, or, if tinged, cotton that is below the grade of strict middling, or, if yellow stained, cotton that is below the grade of good middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven[th]-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed." shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the fifth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. All moneys collected as such costs may be used as a revolving fund for carrying out the purposes of this subdivision, and section nineteen of this Act is amended accordingly.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton futures Act, section five."

The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of the seventh subdivision of this section, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of said subdivision shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as *prima facie* evidence of the true classification of the cotton involved. (39 Stat. 476; 40 Stat. 1351.)

The amendment of this section of Act, August 11, 1916, ch. 313, cited above, by Act March 4, 1919, ch. 125, sec. 6, also cited above, consisted in the substitution of the "Fifth" and "Seventh" subdivisions, and the last paragraph of this section, as set forth above. The "Fifth" subdivision of this section, before the amendment, read as follows:

"Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of Good Ordinary, or cotton that is below the grade of Good Ordinary, or, if tinged, cotton that is below the grade of Low Middling, or, if stained, cotton that is below the grade of Middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is 'gin cut' or reginned, or cotton that is 'repacked' or 'false packed' or 'mixed packed' or 'water packed,' shall not be delivered on, under, or in settlement of such contract."

The seventh subdivision of this section, before the amendment, read as follows:

"Seventh. Provide that, in case a dispute arises between the person making the tender and the person receiving the same, as to the classification of any cotton tendered under the contract, either party may refer the question of the true classification of said cotton to the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof fixed, assessed, collected, and paid in such manner and

in accordance with such rules and regulations as may be prescribed by the Secretary of Agriculture."

The last paragraph of this section, before the amendment, read as follows:

"The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section, and his findings, upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard by him or such officer, officers, agent, or agents of the Department of Agriculture as he may designate, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as *prima facie* evidence of the true classification of the cotton involved."

A further provision of the Act of March 4, 1919, ch. 125, sec. 6, cited above, amendatory of this section, reads as follows:

"The foregoing amendments to section five of said Act shall become effective on and after the approval of this Act, but nothing herein shall be construed to diminish any authority conferred on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under said Act as unamended, or to impair the effect of such Act as to any contract subject to its provisions entered into prior to the effective date of said amendments, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said section five as unamended."

The amendments of this section of Act August 11, 1916, ch. 313, cited above, by Act March 4, 1919, ch. 125, sec. 6, also cited above, were declared to be permanent legislation, by a provision of Act May 31, 1920, ch. 217, *post*, sec. 400.

A further provision of Act May 31, 1920, ch. 217, that cotton classified as tenderable in whole or in part on a section 5 contract of Act August 11, 1916, ch. 313, as amended by Act March 4, 1919, ch. 125, sec. 6, should give the buyer right to demand that one-half of the contract should be delivered in official standard grades from the grades of middling fair, strict good middling, good middling, strict middling, an middling, and that the seller should have the option of delivering the other half of such contract from any of the official established cotton standard grades as established in said Act, was repealed by Res. June 2, 1920, ch. 220, 41 Stat. 738.

This section of Act August 11, 1916, ch. 313, cited above, was identical in language with section 5 of Act August 18, 1914, ch. 255, 38 Stat. 693, repealed by section 21 of said Act August 11, 1916, *post*, sec. 398, except that in the seventh subdivision the former act used the words "quality, or the grade, or the length of staple," in place of the word "classification," in the second line of such subdivision, and omitted the words "of the true classification, or said cotton," after the word "question," in the fourth line of such subdivision, and in place of the word "classification" in the last line of the section the former act used the words "quality, or grade, or length of staple."

Sec. 383a. (Act August 11, 1916, ch. 313, sec. 6.) Mode of determining differences to be paid in settlement of contract, on delivery of cotton above or below basis grade.

That for the purposes of section five of this Act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section five, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above

or below the basis grade shall be determined by the average actual commercial differences in value thereof, upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section five, for the delivery of cotton on the contract, in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture. (39 Stat. 478.)

This section is identical in language with section 6 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 384. (Act August 11, 1916, ch. 313, sec. 6A.) Tax not to be levied on contracts complying with conditions prescribed, and to be known as **Section Six A Contracts**.

That no tax shall be levied under this Act on any contract of sale mentioned in section three hereof if the contract provide that, in case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of the contract, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered, and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract, and if the contract also comply with all the terms and conditions of section five hereof not inconsistent with this section: *Provided*, That nothing in this section shall be so construed as to relieve from the tax levied by section three of this Act any contract in which, or in the settlement of or in respect to which, any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any "fixed difference" system, or by arbitration, or by any other method not provided for by this Act.

Contracts made in compliance with this section shall be known as "Section six A Contracts." The provisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to United States cotton futures Act, section six A."

Section ten of this Act shall not be construed to apply to any contract of sale made in compliance with section six A hereof. (39 Stat. 478.)

Section 3 of this act, referred to in this section, is set forth, *ante*, sec. 381. Section 10, referred to, is set forth, *post*, sec. 388.

This section did not appear in Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 385. (Act August 11, 1916, ch. 313, sec. 7.) Bona fide spot markets for purposes of act.

That for the purposes of this Act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice. (39 Stat. 478.)

This section is identical in language with section 7 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 386. (Act August 11, 1916, ch. 313, sec. 8, as amended by Act March 4, 1919, ch. 125, sec. 6.) Bona fide spot markets; mode of determining.

That in determining, pursuant to the provisions of this Act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section six of this Act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section five of this Act shall be determined in compliance with such rules and regulations: *Provided further*, That it shall be the duty of any person engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale, of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500. (39 Stat. 479; 40 Stat. 1352.)

The amendment of this section of Act August 11, 1916, ch. 313, cited above, by Act March 4, 1919, ch. 125, also cited above, consisted in the insertion at the end of said section of the second proviso, to make the section read as set forth here. Said amendment was declared to be permanent legislation by a provision of Act May 31, 1920, ch. 217, *post*, sec. 400.

Sections 5 and 6 of this act, referred to in this section, are set forth, *ante*, secs. 383, 383a.

This section, until amended as above explained, was identical in language with section 8 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

The Secretary of Agriculture or his authorized representatives are empowered to administer oaths, examine witnesses, and call for the production of books and papers, in the performance of the duties required in the administration or enforcement of provisions of the Cotton Futures Act by a provision of Act July 24, 1919, ch. 26, *ante*, sec. 86.

Sec. 387. (Act August 11, 1916, ch. 313, sec. 9.) Cotton standards; establishment and promulgation; official cotton standards of the United States; change in or replacement of; forms for.

That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this Act, shall be known as the "Official cotton standards of the United States." and to adopt, change, or replace the standard for any grade of cotton established under the Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine (Thirty-fifth Statutes at Large, page two hundred and fifty-one), and Acts supplementary thereto: *Provided*, That any standard of any cotton established and promulgated under this Act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That, subsequent to six months after the date section three of this Act becomes effective, no change or replacement of any standard of any cotton established and promulgated under this Act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary. (39 Stat. 479.)

Section 3 of this act, referred to in this section, is set forth *ante*, section 381.

The provisions of Act May 23, 1908, c. 192, referred to in this section, authorizing the Secretary of Agriculture to establish an official standard for different grades of cotton by fixing a basis standard and establishing a standard of nine designated grades, and to prepare and furnish to applicants practicable forms of such standard grades, are set forth, *ante*, section 84.

This section is identical in language with section 9 of Act August 18, 1914, c. 255, repealed by section 21 of this act, *post*, section 398.

The Secretary of Agriculture was further authorized to establish official standards for the classification of cotton by which its quality or value may be judged or determined, and standards established under this section were adopted for the purposes of the Cotton Standards Act until changed or replaced under that act, and any standard or change or replacement thereof becoming effective under that act shall also, when so specified by the Secre-

tary of Agriculture, become effective for the purposes of this act and supersede any inconsistent standard established thereunder, by provisions of the Cotton Standards Act, Act March 4, 1923, ch. 288, sec. 6, *ante*, sec. 290ff.

Sec. 388. (Act August 11, 1916, ch. 313, sec. 10.) Tax not to be levied on contracts complying with conditions prescribed; tax not imposed on sale of spot cotton; section not to apply to contracts complying with section 5 of act.

That no tax shall be levied under this Act on any contract of sale mentioned in section three hereof, if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this Act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to United States cotton futures Act, section ten."

This Act shall not be construed to impose a tax on any sale of spot cotton.

This section shall not be construed to apply to any contract of sale made in compliance with section five of this Act. (39 Stat. 479.)

Section 3 and 5 of this act, referred to in this section, are set forth, *ante* secs. 381, 383.

This section is identical in language with section 10 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Section 11 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398, read as follows:

"That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 2 cents for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this Act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section five, or with all the conditions specified in section ten of this Act, except that the quantity of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds."

Sec. 389. (Act August 11, 1916, ch. 313, sec. 11.) Tax to be paid by stamps; affixing to contracts.

That the tax imposed by section three of this Act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. (39 Stat. 480.)

Section 3 of this act, referred to in this section, is set forth, *ante*, sec. 381.

This section is identical in language with section 12 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398, except the Act of August 18, 1914, contained the further clause: "The tax imposed by section eleven of this Act shall be paid by the sender of the order and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury."

Sec. 390. (Act August 11, 1916, ch. 313, sec. 12.) Contracts not conforming to requirements of act, not enforceable in courts of United States.

That no contract of sale of cotton for future delivery mentioned in section three of this Act which does not conform to the requirements of section four hereof and has not the necessary stamps affixed thereto as required by section eleven hereof shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies. (39 Stat. 480.)

Sections 3, 4, and 11 of this act, referred to in this section, are set forth, *ante*, secs. 381, 382, 389.

In addition to the provisions of this section, section 13 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398, provided as follows:

"That no contract of sale of cotton for future delivery, made in pursuance of any order mentioned in section eleven of this Act, shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies unless it conforms to the requirements of section four hereof and the tax imposed by section eleven upon the order for such contract shall have been paid in compliance with section twelve of this Act."

Sec. 391. (Act August 11, 1916, ch. 313, sec. 13.) Regulations for collection of tax and enforcement of provisions of act; records and returns by clearing houses, etc.; appointment and compensation of agents; internal-revenue laws made applicable.

That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this Act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account, and may require such persons to make such returns verified under oath or otherwise, as will fully and correctly disclose all transactions mentioned in section three of this Act, including the making, execution, settlement, and fulfillment thereof; he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purpose of clearing, settling, or adjusting transactions mentioned in section three of this Act to keep such records and to make such returns as will fully and correctly disclose all facts in their possession relating to such transactions; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this Act and all

rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents. The provisions of the internal-revenue laws of the United States, so far as applicable, including sections thirty-one hundred and seventy-three, thirty-one hundred and seventy-four, and thirty-one hundred and seventy-five of the Revised Statutes, as amended, are hereby extended, and made to apply, to this Act. (39 Stat. 480.)

Section 3 of this act, referred to in this section, is set forth *ante*, sec. 381.

Section 14 of Act August 18, 1914, ch. 255, repealed by section 21 of this Act, *post*, sec. 398, read as follows:

"That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this Act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account as will fully and correctly disclose all transactions mentioned in sections three and eleven of this Act; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this Act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents."

Sec. 392. (Act August 11, 1916, ch. 313, sec. 14.) Failure to pay tax or other violation of provisions of act, etc., a misdemeanor; punishment.

That any person liable to the payment of any tax imposed by this Act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this Act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100 nor more than \$20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than sixty days nor more than three years, in the discretion of the court. (39 Stat. 480.)

This section is identical in language with section 15 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 393. (Act August 11, 1916, ch. 313, sec. 15.) Penalty, additional to punishment, for violations of act; United States attorney to prosecute actions therefor.

That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this Act, a penalty of \$2,000, to be recovered in an action founded on this Act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this Act is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section. (39 Stat. 481.)

This section is identical in language with section 16 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 394. (Act August 11, 1916, ch. 313, sec. 16.) Testimony deemed material in prosecutions under act not to be withheld because of complicity of witness in violation of act; exemption of witnesses from prosecution.

That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this Act shall withhold his testimony because of complicity by him in any violation of this Act or of any regulation

made pursuant to this Act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates. (39 Stat. 481.)

This section is identical in language with section 17 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 395. (Act August 11, 1916, ch. 313, sec. 17.) Payment of tax not to exempt from penalty or punishment under State law nor to prohibit tax by State or municipality on same transaction.

That the payment of any tax levied by this Act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts for sale of cotton for future delivery, nor shall the payment of any tax imposed by this Act be held to prohibit any State or municipality from imposing a tax on the same transaction. (39 Stat. 481.)

This section is identical in language with section 18 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, *post*, sec. 398.

Sec. 396. (Act August 11, 1916, ch. 313, sec. 19.) Appropriation to carry out provisions of act, publication of results of investigations; disposition of moneys collected under sections 5 and 9.

That there are hereby appropriated out of any moneys in the Treasury not otherwise appropriated, available until expended, the unexpended balance of the sum of \$150,000 appropriated by section twenty of the said Act of August eighteenth, nineteen hundred and fourteen, and for the fiscal year ending June thirtieth, nineteen hundred and sixteen, the unexpended balance of the sum of \$75,000 appropriated for the "Enforcement of the United States cotton futures Act" by the Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and sixteen (Thirty-eighth Statutes at Large, page one thousand and eighty-six), or so much of each of said unexpended balances as may be necessary, to be used by the Secretary of Agriculture for the same purposes, in carrying out the provisions of this Act, as those for which said sums, respectively, were originally appropriated, and to enable the Secretary of Agriculture to carry out any duties remaining to be performed by him under the said Act of August eighteenth, nineteen hundred and fourteen. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this Act. All sums collected by the Secretary of Agriculture as costs under section five, or for furnishing practical forms under section nine, of this Act, shall be deposited and covered into the Treasury as miscellaneous receipts. (39 Stat. 481.)

Sections 5 and 9 of this act, referred to in this section, are set forth *ante*, secs. 383, 387.

Act August 18, 1914, ch. 255, was repealed by section 21 of this act, *post*, sec. 398.

Section 20 of Act August 18, 1914, ch. 255, repealed by section 21 of this act, read as follows:

"That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of \$150,000 or so much thereof as may be necessary to enable the Secretary of Agriculture to make such investigations, to collect such data, and to use such methods and means as he may deem necessary to determine and designate what are bona fide spot markets within the meaning of this Act, to prescribe rules and regulations pursuant to sections five, six, and eight hereof, to establish and promulgate standards for cotton and to furnish practical forms thereof as authorized by section nine hereof, to publish the results

of his investigations, to pay rent and to employ such persons as he may deem necessary, in the city of Washington and elsewhere. The Secretary of Agriculture is hereby directed to publish from time to time the results of investigations made in pursuance of this Act. All sums collected by the Secretary of Agriculture as costs under section five, or for furnishing practical forms under section nine of this Act, shall be deposited and covered into the Treasury as miscellaneous receipts."

Further appropriations to enable the Secretary of Agriculture to carry into effect the provisions of this act were made annually in the agricultural appropriation acts for the fiscal year 1918 and thereafter.

Section 18 of this act, appropriating an unexpended balance of the appropriation made by Act March 4, 1915, 38 Stat. 1017, to enable the Secretary of the Treasury to carry out the provisions of this Act relating to the collecting of the cotton-futures tax, is omitted here.

Sec. 397. (Act August 11, 1916, ch. 313, sec. 20.) Time of taking effect of act; contracts not affected by act.

That sections nine, eighteen, and nineteen of this Act and all provisions of this Act authorizing rules and regulations to be prescribed shall be effective immediately. All other sections of this Act shall become and be effective on and after the first day of the calendar month next succeeding the date of the passage of this Act: *Provided*, That nothing in this Act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section three of this Act which shall have been made prior to the first day of the calendar month next succeeding the date of the passage of this Act. (39 Stat. 481.)

Section 9 of this act, referred to in this section, is set forth *ante*, sec. 387; section 18 is omitted as temporary (see note under preceding section); and section 19 is set forth *ante*, sec. 396.

Section 21 of Act August 18, 1914, ch. 255, repealed by section 21 of this Act, *post*, 398, read as follows:

"That sections nine, nineteen, and twenty of this Act and all provisions of this Act authorizing rules and regulations to be prescribed shall be effective immediately. All other sections of this Act shall become and be effective on and after six months from the date of the passage of this Act: *Provided*, That nothing in this Act shall be construed to apply to any contract of sale of any cotton for future delivery mentioned in section three of this Act which shall have been made prior to the date when section three becomes effective."

Sec. 398. (Act August 11, 1916, ch. 313, sec. 21.) Repeal; effect.

That the Act entitled "An Act to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes," approved August eighteenth, nineteen hundred and fourteen (Thirty-eighth Statutes at Large, page six hundred and ninety-three), is hereby repealed, effective on and after the first day of the calendar month next succeeding the date of the passage of this act: *Provided*, That nothing in this Act shall be construed to affect any right or privilege accrued, any penalty or liability incurred, or any proceeding commenced under said Act of August eighteenth, nineteen hundred and fourteen, or to diminish any authority conferred by said Act on any official of the United States necessary to enable him to carry out any duties remaining to be performed by him under the said Act, or to impair the effect of the findings of the Secretary of Agriculture upon any dispute referred to him under said Act, or to affect any right in respect to, or arising out of, any contract mentioned in section three of said Act, made on or subsequent to February eighteenth, nineteen hundred and fifteen, and prior to the first day of the calendar month

next succeeding the date of the passage of this Act, but so far as concerns any such contract said Act of August eighteenth, nineteen hundred and fourteen, shall remain in force with the same effect as if this Act had not been passed. (39 Stat. 482.)

Act August 18, 1914, ch. 255, 38 Stat. 693, repealed by this section, was an act similar in its provisions to this act. See notes to preceding sections of this act.

Sec. 399. (Act August 11, 1916, ch. 313, sec. 22.) Effect of partial invalidity of act.

That if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (39 Stat. 482.)

Sec. 400. (Act May 31, 1920, ch. 217.) Provisions for delivery conditions, etc., under Cotton Futures Act, made permanent.

That the amendments relating to cotton provided for in section 6 of the Act known as the wheat guarantee Act, approved March 4, 1919, are hereby recognized and declared to be permanent legislation. (41 Stat. 725.)

This is a provision of the agricultural appropriation act for the fiscal year 1921, cited above.

Act March 4, 1919, ch. 125, sec. 6, mentioned in this section, amended sections 5 and 8 of Act August 11, 1916, ch. 331. Said sections, as so amended, are set forth, *ante*, secs. 383, 386.

A further provision of this act read as follows:

"That hereafter each lot of cotton classified as tenderable in whole or in part on a section 5 contract of said Act as amended, shall give to the buyer the right to demand that one half of the contract shall be delivered in the official cotton standard grades of the United States from the grades of middling fair, strict good middling, good middling, strict middling, and middling, and that the seller shall have the option of delivering the other half of said contract from any of the official cotton standard grades as established in said Act." This provision was repealed by Act June 2, 1920, ch. 220, 41 Stat. 738.

CHAPTER 21.

SALE OF GRAIN FOR FUTURE DELIVERY.

Sec. 401. (Act September 21, 1922, ch. 369, sec. 1.) Short title of Act.

This Act shall be known by the short title of "The Grain Futures Act." (42 Stat. 998.)

This section and the eleven sections next following are an act entitled "An act for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain future exchanges, and for other purposes," cited above.

This act superseded an act entitled "An act taxing contracts for the sale of grain for future delivery, and options for such contracts, and providing for the regulation of boards of trade, and for other purposes," Act August 24, 1921, ch. 86, 42 Stat. 187.

Section 1 of said Act August 24, 1921, provided that the short title of said act should be "The Future Trading Act."

Section 2 of said Act August 24, 1921, is identical in language with section 2 of said Act September 21, 1922, set forth, *post*, sec. 402, without the last sentence of paragraph (a) of said section and without paragraphs (b) and (c).

Section 3 of said Act August 24, 1921, imposed a tax of 20 cents per bushel on grain involved in every privilege or option of purchase or sale of grain.

Section 4 of said Act August 24, 1921, imposed a tax of 20 cents per bushel involved in every contract of sale of grain for future delivery, with exceptions in substantially the same language as that of paragraphs (a) and (b) of section 4 of said Act September 21, 1922, *post*, sec. 404.

Section 5 of said Act August 24, 1921, was substantially the same in language as section 5 of said Act September 21, 1922, *post*, sec. 405.

Section 6 of said Act August 24, 1921, was identical in language with section 6 of said Act September 21, 1922, *post*, sec. 406.

Section 7 of said Act August 24, 1921, provided for the manner of payment and collection of the tax imposed by that act.

Section 8 of said Act August 24, 1921, was identical in language with that of section 7 of said Act September 21, 1922, *post*, sec. 407.

Section 9 of said Act August 24, 1921, was substantially the same in language as section 8 of said Act September 21, 1922, *post*, 408.

Section 10 of said Act August 24, 1921, provided for the payment of an additional tax as a penalty, and for fine or imprisonment, or both, for failure to evidence any contract by a memorandum in writing, or to keep the record, or to make a report, or to pay the tax, as provided in sections 4 and 5 of that act, or for failure to pay the tax required by section 3 thereof.

Section 11 of said Act August 24, 1921, was identical in language with section 10 of said Act September 21, 1922, *post*, sec. 410.

Section 12 of said Act August 24, 1921, provided that no tax imposed by said act or penalties for violations of said act, should be enforced within four months after its passage.

Section 13 of said Act August 24, 1921, was identical in language with that of section 12 of said Act September 21, 1922, *post*, sec. 412.

Said Act August 24, 1921, was held unconstitutional by the Supreme Court in the case of John Hill, jr., et al. v. Henry Wallace, Secretary of Agriculture, David H. Blair, Commissioner of Internal Revenue, et al. (42 U. S. 453), decided May 15, 1922, on the ground that it attempted through an alleged exercise of the taxing power to regulate the grain exchanges of the country, regardless of those regulations upon interstate commerce, and therefore could not be sustained under the taxing power of Congress or under its power to regulate interstate commerce.

It was held that the tax imposed by section 4 of said act was invalid, and that, notwithstanding the provision of section 11 that if any provision of the act was unconstitutional the remainder of the act should not be affected thereby, the invalid tax imposed by section 4 was so interwoven with the regulations of boards of trade contained in sections 5 and 6 of the act that they could not be separated without reframing the act which was legislative work beyond the power and function of the Court, so that such interwoven regulating sections were invalid, though there were other sections which might be saved by section 11, particularly section 9 authorizing investigations by the Secretary of Agriculture and his publication of results, and also section 3 imposing a tax upon certain transactions in the grain market which approximate gambling or offer an opportunity therefor.

Sec. 402. (Act September 21, 1922, ch. 369, sec. 2.) "Contract of sale," "person," "grain," "future delivery," "board of trade," defined; act, etc., of official agent, etc., deemed also that of principal; "interstate commerce" defined; transactions in interstate commerce construed.

(a) For the purposes of this Act "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts. The word "grain" shall be construed to mean wheat, corn, oats, barley, rye, flax, and sorghum. The term "future delivery," as used herein, shall not include any sale of cash grain for deferred shipment or delivery. The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling grain or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(b) For the purposes of this Act (but not in any wise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in the grain trade whereby grain and grain products and by-products thereof are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (42 Stat. 998.)

See notes to section 1 of this act, *ante*, sec. 401.

Sec. 403. (Act September 21, 1922, ch. 369, sec. 3.) Sale of grain for future delivery affected with public interest: volume of transactions; prices involved determine prices to producer and consumer; transactions utilized by handlers of grain, etc.; transactions and prices susceptible to speculation, etc.; resulting sudden or unreasonable fluctuations in prices detrimental, and obstruction to and burden on commerce.

Transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling grain and the products and by-products thereof in interstate commerce; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of grain and the products and by-products thereof and to facilitate the movements thereof in interstate commerce; that such transactions are utilized by shippers, dealers, millers, and others engaged in handling grain and the products and by-products thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of grain on such boards of trade are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling grain and products and by-products thereof in interstate commerce, and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein. (42 Stat. 999.)

See notes to section 1 of this act, *ante*, sec. 401.

Sec. 404. (Act September 21, 1922, ch. 369, sec. 4.) Transmission through mails or in interstate commerce any offer, etc., of any contract of sale of grain for future delivery on or subject to rules of any board of trade, or making of such contract to be used for hedging, determining the price basis of, or delivering grain sold, etc., in, any transaction in interstate commerce in grain, unlawful; exceptions; where seller is owner or grower, or either party owner or renter or land; where contract is made through board of trade designated a contract market.

It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in grain or the products or by-products thereof, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering grain sold, shipped, or received in interstate commerce for the fulfillment thereof, except—

(a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the

grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners, or growers of grain, or of such owners or renters of land; or

(b) Where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery: *Provided*, That each board member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice. (42 Stat. 999.)

See notes to section 1 of this act, *ante*, sec. 401.

Sec. 405. (Act September 21, 1922, ch. 369, sec. 5.) Designation of boards of trade as "contract markets"; conditions; when located at terminal markets where grain is sold under such conditions as to reflect values and where official inspection service is available; when governing board provides for detail reports of transactions in manner, form, and at times required and for detail records required: when governing board provides for prevention of false, etc., reports; when governing board provides for prevention of manipulation of prices, etc.; when governing board does not exclude from membership, etc., representatives of qualified cooperative associations of producers; when the governing board provides for making effective orders or decisions under Act.

That the Secretary of Agriculture is hereby authorized and directed to designate any board of trade as a "contract market" when, and only when, such board of trade complies with and carries out the following conditions and requirements:

(a) When located at a terminal market where cash grain of the kind specified in the contracts of sale of grain for future delivery to be executed on such board is sold in sufficient volume and under such conditions as fairly to reflect the general value of the grain and the differences in value between the various grades of such grain, and where there is available to such board of trade official inspection service approved by the Secretary of Agriculture for the purpose.

(b) When the governing board thereof provides for the making and filing by the board or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the board, or the members thereof, either in cash transactions consummated at, on, or in a board of trade, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the board or the members of the board of trade, as the Secretary of Agriculture may direct, showing the details and terms of all cash and future transactions entered into by them, consummated at, on, or in a board of trade, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said trans-

actions are fulfilled, discharged or terminated. Such records shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or United States Department of Justice.

(c) When the governing board thereof provides for the prevention of dissemination by the board or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce.

(d) When the governing board thereof provides for the prevention of manipulation of prices or the cornering of any grain by the dealers or operators upon such board.

(e) When the governing board thereof does not exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such board: *Provided*, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

(f) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 6 of this Act. (42 Stat. 1000.)

Section 6 of this act, mentioned in this section, is set forth, *post*, sec. 406.

See notes to section 1 of this act, *ante*, sec. 401.

Sec. 406. (Act September 21, 1922, ch. 369, sec. 6.) Application of boards of trade for designation as "contract markets"; commission authorized to suspend or revoke designation for failure to comply with requirements, etc.; notice and hearing; suspension or revocation conclusive unless petition to set aside etc., filed in circuit court of appeals; certification of record to court; evidence admitted accepted by court; preference and expedition of cases; authority of court limited; appeal to commission on refusal of designation as contract market; complaints for violations of Act or regulations; hearings before commission or referee; powers, jurisdiction, and authority of the Interstate Commerce Commission made applicable to proceedings under Act; order requiring contract markets to refuse privileges to offender; notice of order; petition to circuit court of appeals to review order; procedure; jurisdiction of court; review by Supreme Court.

Any board of trade desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements.

(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the

designation of any board of trade as a "contract market" upon a showing that such board of trade has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing: *Provided*, That such suspension or revocation shall be final and conclusive unless within fifteen days after such suspension or revocation by the said commission such board of trade appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the board of trade, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: *Provided further*, That if the Secretary of Agriculture shall refuse to designate as a contract market any board of trade that has made application therefor, then such board of trade may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this Act, or is attempting to manipulate the market price of any grain in violation of the provisions of section 5 hereof, or of any of the rules or regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the said commission refuse all trading privileges thereon to such person. Said hearing may be held in Washington, District of Columbia, or elsewhere, before

the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission. That for the purpose of securing effective enforcement of the provisions of this Act the provisions, including penalties, of section 12 of the Interstate Commerce Act, as amended, relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this Act, and to persons subject to its provisions. Upon evidence received the said commission may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets. After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission, and the findings of the commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code. (42 Stat. 1001.)

See notes to section 1 of this act, *ante*, sec. 401.

Section 5 of this act, mentioned in this section, is set forth *ante*, sec. 405.

Section 12 of the Interstate Commerce Act, Act February 4, 1887, ch. 104, 24 Stat. 383, as amended by Act February 10, 1891, ch. 128, 26 Stat. 743, which is referred to in this section, reads as follows:

"That the Commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created; and the Commission is hereby authorized and required to execute and enforce the provisions of this act; and, upon the request of the Commission, it shall be the duty of any district attorney of the United States to whom the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney-General of the United States all necessary proceedings for the enforcement of the provisions of this act and for the punishment of all violations thereof, and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States; and for the purposes of this act the Commission shall have power to require, by subpoena, the attendance and testimony of witnesses and

the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation.

"Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

"And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

"The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation depending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any commissioner of a circuit, or any clerk of a district or circuit court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission as hereinbefore provided.

"Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

"If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

"Witnesses whose depositions are taken pursuant to this act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States."

The provisions of the Judicial Code, referred to in this section are contained in Act March 3, 1911, ch. 231, sec. 240, 36 Stat. 1157.

Sec. 407. (Act September 21, 1922, ch. 369, sec. 7.) Application to vacate designation as contract market; issue of order; renewal of designation on application.

Any board of trade that has been designated a contract market in the manner herein provided may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract market be

vacated, which notice shall be served at least ninety days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such board of trade as a contract market, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract markets. From and after the date upon which the vacation became effective the said board of trade can thereafter be designated again a contract market by making application to the Secretary of Agriculture in the manner herein provided for an original application. (42 Stat. 1002.)

See notes to section 1 of this act, *ante*, sec. 401.

Sec. 408. (Act September 21, 1922, ch. 369, sec. 8.) Investigations of operations of boards of trade; publication of result; issuing reports relative to conduct of boards of trade and transactions in violation of Act: investigations of marketing conditions of grain, etc.; dissemination of information respecting grain markets, etc.

For the efficient execution of the provisions of this Act, and in order to provide information for the use of Congress, the Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding the operations of boards of trade, whether prior or subsequent to the enactment of this Act, and may publish from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers: *Provided*, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any board of trade or of the transactions of any person found guilty of violating the provisions of this Act under the proceedings prescribed in section 6 of this Act: *Provided further*, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of grain and grain products and by-products, including supply and demand for these commodities, cost to the consumer, and handling and transportation charges. He shall likewise compile and furnish to producers, consumers, and distributors, by means of regular or special reports, or by such methods as he may deem most effective, information respecting the grain markets, together with information on supply, demand, prices, and other conditions in this and other countries that affect the markets. (42 Stat. 1003.)

See notes to section 1 of this act, *ante*, sec. 401.

Section 6 of this act, mentioned in this section, is set forth, *ante*, sec. 406.

Sec. 409. (Act September 21, 1922, ch. 369, sec. 9.) Violations of section 4 of Act; punishment.

Any person who shall violate the provisions of section 4 of this Act, or who shall fail to evidence any contract mentioned in said section by a record in writing as therein required, or who shall know-

ingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution. (42 Stat. 1003.)

See notes to section 1 of this act, *ante*, sec. 401.

Section 4 of this act, mentioned in this section, is set forth, *ante*, sec. 404.

Sec. 410. (Act September 21, 1922, ch. 369, sec. 10.) Effect of partial invalidity of Act.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby. (42 Stat. 1003.)

See notes to section 1 of this act, *ante*, sec. 401.

Sec. 411. (Act September 21, 1922, ch. 369, sec. 11.) No punishment for violations before first day of second month following passage of Act.

No fine or imprisonment shall be imposed for any violation of this Act occurring before the first day of the second month following its passage. (42 Stat. 1003.)

See notes to section 1 of this act, *ante*, sec. 401.

Sec. 412. (Act September 21, 1922, ch. 369, sec. 12.) Cooperation with Government, State, etc., agencies; appointment, removal, and compensation of officers and employees; expenses; appropriations authorized.

The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes. (42 Stat. 1003.)

See notes to section 1 of this act, *ante*, sec. 401.

CHAPTER 22.

AGRICULTURE COLLEGES.

Sec. 414. (Act July 2, 1862, ch. 130, sec. 4, as amended by Act March 3, 1883, ch. 102.) Investment of moneys derived from sale of lands and land scrip; moneys invested to constitute a perpetual fund and interest to be appropriated by States to the endowment, etc., of colleges whose leading object is to teach branches of learning relating to agriculture and mechanic arts.

That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land-scrip hereinbefore provided for, shall be invested in stocks of the United States or of the States, or some other safe stocks; or the same may be invested by the States having no State stocks, in any other manner after the legislatures of such States shall have assented thereto, and engaged that such funds shall yield not less than five per centum upon the amount so invested and that the principal thereof shall forever remain unimpaired: *Provided*, That the moneys so invested or loaned shall constitute a perpetual fund, the capital of which shall remain forever undiminished (except so far as may be provided in section five of this act), and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. (12 Stat. 504; 22 Stat. 484.)

This was a section, as amended, of an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and known as the "Morrill Act," cited above.

This act, including section 4 as originally enacted, and section 7 which was incorporated into R. S. Sec. 2238, read as follows:

"Be it enacted, etc., That there be granted to the several States, for the purposes hereinafter mentioned, an amount of public land, to be apportioned to each State a quantity equal to thirty thousand acres for each senator and representative in Congress to which the States are respectively entitled by the apportionment under the census of eighteen hundred and sixty: *Provided*, That no mineral lands shall be selected or purchased under the provisions of this act."

"SEC. 2. That the land aforesaid, after being surveyed, shall be apportioned to the several States in sections or subdivisions of sections, not less than one-quarter of a section; and whenever there are public lands in a State subject to sale at private entry at one dollar and twenty-five cents per acre, the quantity to which said State shall be entitled shall be selected from such lands within the limits of such State and the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands

subject to sale at private entry at one dollar and twenty-five cents per acre to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share: said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever: *Provided*, That in no case shall any State to which land scrip may thus be issued be allowed to locate the same within the limits of any other State, or of any Territory of the United States, but their assignees may thus locate said land scrip upon any of the unappropriated lands of the United States subject to sale at private entry at one dollar and twenty-five cents, or less, per acre: *And provided, further*, That not more than one million acres shall be located by such assignees in any one of the States: *And provided further*, That no such location shall be made before one year from the passage of this act."

"Sec. 3. That all the expenses of management, superintendence, and taxes from date of selection of said lands, previous to their sales, and all expenses incurred in the management and disbursement of the moneys which may be received therefrom, shall be paid by the States to which they may belong, out of the treasury of said States, so that the entire proceeds of the sale of said lands shall be applied without any diminution whatever to the purposes hereinafter mentioned."

"Sec. 4. That all moneys derived from the sale of lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than five per centum upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section fifth of this act,) and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

"Sec. 5. That the grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts:

"First. If any portion of the fund invested, as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the State to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any State under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms, whenever authorized by the respective legislatures of said States.

"Second. No portion of said fund, nor the interest thereon, shall be applied, directly or indirectly, under any pretence whatever, to the purchase, erection, preservation, or repair of any building or buildings.

"Third. Any State which may take and claim the benefit of the provisions of this act shall provide, within five years, at least not less than one college, as described in the fourth section of this act, or the grant to such State shall cease; and said State shall be bound to pay the United States the amount received of any lands previously sold and that the title to purchasers under the State shall be valid.

"Fourth. An annual report shall be made regarding the progress of each college, recording any improvements and experiments made, with their cost and results, and such other matters, including State industrial and economical statistics, as may be supposed useful; one copy of which shall be transmitted by mail free, by each, to all the other colleges which

may be endowed under the provisions of this act, and also one copy to the Secretary of the Interior.

"Fifth. When lands shall be selected from those which have been raised to double the minimum price, in consequence of railroad grants, they shall be computed to the States at the maximum price, and the number of acres proportionally diminished.

"Sixth. No State while in a condition of rebellion or insurrection against the government of the United States shall be entitled to the benefit of this act.

"Seventh. No State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its legislature within two years from the date of its approval by the President."

"SEC. 6. That land scrip issued under the provisions of this act shall not be subject to location until after the first day of January, one thousand eight hundred and sixty-three."

"SEC. 7. That the land officers shall receive the same fees for locating land scrip issued under the provisions of this act as is now allowed for the location of military bounty land warrants under existing laws; *Provided*, their maximum compensation shall not be thereby increased."

"SEC. 8. That the Governors of the several States to which scrip shall be issued under this act shall be required to report annually to Congress all sales made of such scrip until the whole shall be disposed of, the amount received for the same, and what appropriation has been made of the proceeds."

This Act was amended by Act July 23, 1866, ch. 209, 14 Stat. 208, which read as follows:

"*Be it enacted, etc.*, That the time in which the several States may comply with the provisions of the act of July two, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is hereby extended so that the acceptance of the benefits of the said act may be expressed within three years from the passage of this act, and the colleges required by the said act may be provided within five years from the date of the filing of such acceptance with the commissioner of the general land office: *Provided*, That when any Territory shall become a State and be admitted into the Union, such new State shall be entitled to the benefits of the said act of July two, eighteen hundred and sixty-two, by expressing the acceptance therein required within three years from the date of its admission into the Union, and providing the college or colleges within five years after such acceptance, as prescribed in this act: *Provided further*, That any State which has heretofore expressed its acceptance of the act herein referred to shall have the period of five years within which to provide at least one college, as described in the fourth section of said act, after the time for providing said college, according to the act of July second, eighteen hundred and sixty-two, shall have expired."

Provisions relative to agricultural experiment stations in connection with the agricultural colleges established under this act, are set forth, *post*, secs. 431-452.

Appropriations for the further endowment and maintenance of agricultural colleges established under this act were made by Act August 30, 1890, ch. 841, *post*, secs. 415-420, and Act March 4, 1907, ch. 2907, *post*, sec. 421.

Provisions for cooperative agricultural extension work between agricultural colleges receiving the benefits of this act, and the United States Department of Agriculture, and appropriations of funds payable to the several States for such work, were made by Act May 8, 1914, ch. 79, *post*, secs. 422-429.

Sec. 415. (Act August 30, 1890, ch. 841, sec. 1.) Increased annual appropriations for agricultural colleges.

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, arising from the sales of public lands, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance

nance of colleges for the benefit of agriculture and the mechanic arts now established, or which may be hereafter established, in accordance with an act of Congress approved July second, eighteen hundred and sixty-two, the sum of fifteen thousand dollars for the year ending June thirtieth, eighteen hundred and ninety, and an annual increase of the amount of such appropriation thereafter for ten years by an additional sum of one thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be twenty-five thousand dollars to be applied only to instruction in agriculture, the mechanic arts, the English language and the various branches of mathematical, physical, natural and economic science, with special reference to their applications in the industries of life, and to the facilities for such instruction: *Provided*, That no money shall be paid out under this act to any State or Territory for the support and maintenance of a college where a distinction of race or color is made in the admission of students, but the establishment and maintenance of such colleges separately for white and colored students shall be held to be a compliance with the provisions of this act if the funds received in such State or Territory be equitably divided as hereinafter set forth: *Provided*, That in any State in which there has been one college established in pursuance of the act of July second, eighteen hundred and sixty-two, and also in which an educational institution of like character has been established, or may be hereafter established, and is now aided by such State from its own revenue, for the education of colored students in agriculture and the mechanic arts, however named or styled, or whether or not it has received money heretofore under the act to which this act is an amendment, the legislature of such State may propose and report to the Secretary of the Interior a just and equitable division of the fund to be received under this act between one college for white students and one institution for colored students established as aforesaid, which shall be divided into two parts and paid accordingly, and thereupon such institution for colored students shall be entitled to the benefits of this act and subject to its provisions, as much as it would have been if it had been included under the act of eighteen hundred and sixty-two, and the fulfillment of the foregoing provisions shall be taken as a compliance with the provision in reference to separate colleges for white and colored students. (26 Stat. 417.)

This section and the 5 sections next following were an act entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two," cited above. This act and said Act July 2, 1862, are known as the "Morrill Acts."

Section 4 of Act July 2, 1862, ch. 130, mentioned in this section, as amended by Act March 3, 1883, ch. 102, is set forth, *ante*, sec. 414, and the entire act, as originally enacted, is set forth in a note to that section.

An annual appropriation of \$5,000 for the more complete endowment and maintenance of agricultural colleges, in addition to the sums named in this act, with a further annual increase for four years, the annual sum to be paid thereafter to each State or Territory to be \$50,000, was made by Act March 4, 1907, ch. 2907, *post*, sec. 421.

Provisions for cooperative agricultural extension work between agricultural colleges receiving the benefits of this act, and the United States Department of Agriculture, and appropriations of funds payable to the sev-

eral States for such work, were made by Act May 8, 1914, ch. 79, *post*, secs. 422-429.

Moneys received from the sale and disposal of public lands in certain States were appropriated to a "reclamation fund" by Act June 17, 1902, ch. 1093, sec. 1, 32 Stat. 388, and by a proviso annexed to said section, in case the receipts from the sale and disposal of other public lands are insufficient to meet the requirements for the support of agricultural colleges under this act, the sum necessary is to be provided from any moneys in the Treasury not otherwise appropriated.

Provisions similar to those of this act, relating to agricultural experiment stations established in connection with the agricultural colleges provided for in this act, were made by Act March 16, 1906, ch. 951, *post*, secs. 442-447.

Sec. 416. (Act August 30, 1890, ch. 841, sec. 2.) Time, manner, etc., of annual payments to States and Territories.

That the sums hereby appropriated to the States and Territories for the further endowment and support of colleges shall be annually paid on or before the thirty-first day of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officer as shall be designated by the laws of such State or Territory to receive the same, who shall, upon the order of the trustees of the college, or the institution for colored students, immediately pay over said sums to the treasurers of the respective colleges or other institutions entitled to receive the same, and such treasurers shall be required to report to the Secretary of Agriculture and to the Secretary of the Interior, on or before the first day of September of each year, a detailed statement of the amount so received and of its disbursement. The grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payments of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. (26 Stat. 418.)

Sec. 417. (Act August 30, 1890, ch. 841, sec. 3.) Diminution of fund to be made up by State or Territory; fund not to be applied to buildings; reports of condition, etc., or colleges, and as to experiment stations.

That if any portion of the moneys received by the designated officer of the State or Territory for the further and more complete endowment, support, and maintenance of colleges, or of institutions for colored students, as provided in this act, shall, by any action or contingency, be diminished or lost, or be misapplied, it shall be replaced by the State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings. An annual report by the president of each of said colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information in relation to its receipts and expenditures, its library, the number of its students and pro-

fessors, and also as to any improvements and experiments made under the direction of any experiment stations attached to said colleges, with their cost and results, and such other industrial and economical statistics as may be regarded as useful, one copy of which shall be transmitted by mail free to all other colleges further endowed under this act. (26 Stat. 418.)

Sec. 418. (Act August 30, 1890, ch. 841, sec. 4.) Annual ascertainment and certification of amounts due States and Territories; certificates of appropriations withheld; appeal to Congress.

That on or before the first day of July in each year, after the passage of this act, the Secretary of the Interior shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is entitled to receive its share of the annual appropriation for colleges, or of institutions for colored students, under this act, and the amount which thereupon each is entitled, respectively to receive. If the Secretary of the Interior shall withhold a certificate from any State or Territory of its appropriation the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State or Territory may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury. And the Secretary of the Interior is hereby charged with the proper administration of this law. (26 Stat. 419.)

Sec. 419. (Act August 30, 1890, ch. 841, sec. 5.) Report to Congress of disbursements and as to withholding of appropriations.

That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States and Territories, and also whether the appropriation of any State or Territory has been withheld, and if so, the reasons therefor. (26 Stat. 419.)

Sec. 420. (Act August 30, 1890, ch. 841, sec. 6.) Reservation of power to amend, suspend, or repeal act.

Congress may at any time amend, suspend, or repeal any or all of the provisions of this act. (26 Stat. 419.)

Sec. 421. (Act March 4, 1907, ch. 2907 (1).) Increased annual appropriations for agricultural colleges.

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the more complete endowment and maintenance of agricultural colleges now established, or which may hereafter be established, in accordance with the Act of Congress approved July second, eighteen hundred and sixty-two, and the Act of Congress approved August thirtieth, eighteen hundred and ninety, the sum of five thousand dollars, in addition to the sums named in the said Act, for the fiscal year ending June thirtieth, nineteen hundred and eight, and an annual increase of the amount of such appropriation thereafter for four years by an additional sum of five thousand dollars over the preceding year, and the annual sum to be paid thereafter to each State and Territory shall

be fifty thousand dollars, to be applied only for the purposes of the agricultural colleges as defined and limited in the Act of Congress approved July second, eighteen hundred and sixty-two, and the Act of Congress approved August thirtieth, eighteen hundred and ninety.

(2) Time, manner, etc., of annual payments to States and Territories.

That the sum hereby appropriated to the States and Territories for the further endowment and support of the colleges shall be paid by, to, and in the manner prescribed by the Act of Congress approved August thirtieth, eighteen hundred and ninety, entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of the Act of Congress approved July second, eighteen hundred and sixty-two," and the expenditure of the said money shall be governed in all respects by the provisions of the said Act of Congress approved July second, eighteen hundred and sixty-two, and the said Act of Congress approved August thirtieth, eighteen hundred and ninety: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and the mechanic arts. (34 Stat. 1281.)

These are provisions of the agricultural appropriation act for the fiscal year 1908, cited above, and are known as the "Nelson Amendment."

Section 4 of Act July 2, 1862, ch. 130, mentioned in these provisions, as amended by Act March 3, 1883, ch. 102, is set forth, *ante*, sec. 414, and the entire act, as originally enacted, is set forth in a note to that section.

Act August 30, 1890, ch. 841, also mentioned in these provisions, is set forth, *ante*, secs. 415-420.

Sec. 422. (Act May 8, 1914, ch. 79, sec. 1.) Cooperation by State agricultural colleges, in extension work, with the Department of Agriculture.

That in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be inaugurated in connection with the college or colleges in each State now receiving, or which may hereafter receive, the benefits of the Act of Congress approved July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" (Twelfth Statutes at Large, page five hundred and three), and of the Act of Congress approved August thirtieth, eighteen hundred and ninety (Twenty-sixth Statutes at Large, page four hundred and seventeen and chapter eight hundred and forty-one), agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture: *Provided*, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct: *Provided further*, That pending the inauguration and development of the cooperative extension work herein authorized, nothing in this Act shall be construed to discontinue either the farm management work or the farmers' cooperative demonstration work as now con-

ducted by the Bureau of Plant Industry of the Department of Agriculture. (38 Stat. 372.)

This section and the seven sections next following were an act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto, and the United States Department of Agriculture," cited above.

Section 4 of Act July 2, 1862, ch. 130, mentioned in this section, is set forth, *ante*, sec. 414, and the entire act, as originally enacted, is set forth as a note to that section.

Act August 30, 1890, ch. 841, also mentioned in this section, is set forth, *ante*, secs. 415-420.

All correspondence, bulletins, and reports for the furtherance of the purposes of this act may be transmitted in the mails free of postage, by Act June 30, 1914, ch. 131, *post*, sec. 430.

Sec. 423. (Act May 8, 1914, ch. 79, sec. 2.) Nature and manner of carrying on cooperative extension work.

That cooperative agricultural extension work shall consist of the giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise; and this work shall be carried on in such manner as may be mutually agreed upon by the Secretary of Agriculture and the State agricultural college or colleges receiving the benefits of this Act. (38 Stat. 373.)

Sec. 424. (Act May 8, 1914, ch. 79, sec. 3.) Permanent annual appropriation for extension of cooperative extension work; assent of State; additional appropriations; requirement of submission and approval of plans of work; use of funds restricted to purposes stated; requirement of appropriation or provision for payment of equal sum by State, etc.

That for the purpose of paying the expenses of said cooperative agricultural extension work and the necessary printing and distributing of information in connection with the same, there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$480,000 for each year, \$10,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action of its legislature assent to the provisions of this Act: *Provided*, That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this Act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury: *Provided further*, That there is also appropriated an additional sum of \$600,000 for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter for seven years a sum exceeding by \$500,000 the sum appropriated for each preceding year, and for each year thereafter there is permanently appropriated for each year the sum of \$4,100,000 in addition to the sum of \$480,000 hereinbefore provided: *Provided further*, That before the funds herein appropriated shall become available to any college for any fiscal year plans for the work to be carried on under this Act shall be submitted by the proper officials of each col-

lege and approved by the Secretary of Agriculture. Such additional sums shall be used only for the purposes hereinbefore stated, and shall be allotted annually to each State by the Secretary of Agriculture and paid in the manner hereinbefore provided, in the proportion which the rural population of each State bears to the total rural population of all the States as determined by the next preceding Federal census: *Provided further*, That no payment out of the additional appropriations herein provided shall be made in any year to any State until an equal sum has been appropriated for that year by the legislature of such State, or provided by State, county, college, local authority, or individual contributions from within the State, for the maintenance of the cooperative agricultural extension work provided for in this Act. (38 Stat. 373.)

A further appropriation of \$1,500,000 for cooperative agricultural extension work, to be allotted, paid and expended in the same manner, upon the same terms and conditions, and under the same supervision as the additional appropriations made by this act, were made annually in the agricultural appropriation acts for the fiscal years 1920 and thereafter.

Appropriations to enable the Secretary of Agriculture to enforce the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1915 and thereafter.

Sec. 425. (Act May 8, 1914, ch. 79, sec. 4.) Time and manner of payments of appropriations, reports of amounts received and disbursements thereof.

That the sums hereby appropriated for extension work shall be paid in equal semiannual payments on the first day of January and July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer of the State duly authorized by the laws of the State to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the first day of September of each year, a detailed statement of the amount so received during the previous fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture. (38 Stat. 374.)

See note to section next following.

Sec. 426. (Act May 8, 1914, ch. 79, sec. 5.) Diminution of moneys received by State to be replaced by it; moneys not to be applied to buildings, lands, teaching, etc., or to other purposes not specified in act; limitation of amount to be applied to printing, etc.; reports of operations and of receipts and expenditures.

That if any portion of the moneys received by the designated officer of any State for the support and maintenance of cooperative agricultural extension work, as provided in this Act, shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to said State, and no portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified in this Act, and not more than five per centum of each annual appropriation shall be applied to the printing and distribution of publications. It shall be the duty of each of said colleges annually, on or before the first day of January,

to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in this Act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States. (38 Stat. 374.)

The Secretary of Agriculture was directed to prescribe the form of the annual financial statement required by this section, coordinate the work of the Department of Agriculture with that of the State agricultural colleges in the lines authorized by this act, and make report thereon to Congress, by provisions of the annual agricultural appropriation acts. See Act March 3, 1921, ch. 127, *post*, sec. 452.

Sec. 427. (Act May 8, 1914, ch. 79, sec. 6.) Annual ascertainment and certification of amounts due to States under act; certificate withheld, report thereof, and annual appeal to Congress thereon.

That on or before the first day of July in each year after the passage of this Act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for cooperative agricultural extension work under this Act, and the amount which it is entitled to receive. If the Secretary of Agriculture shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the expiration of the Congress next succeeding a session of the legislature of any State from which a certificate has been withheld, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. (38 Stat. 374.)

Sec. 428. (Act May 8, 1914, ch. 79, sec. 7.) Annual report to Congress of receipts, expenditures, and results of work, and as to appropriations withheld.

That the Secretary of Agriculture shall make an annual report to Congress of the receipts, expenditures, and results of the cooperative agricultural extension work in all of the States receiving the benefits of this Act, and also whether the appropriation of any State has been withheld; and if so, the reasons therefor. (38 Stat. 374.)

The Department of Agriculture was required to prepare an annual report of the work and expenditures of the Department and of the agricultural colleges, under this act, of which 8,000 copies were to be printed, by Act March 4, 1915, ch. 144, *ante*, sec. 127.

Sec. 429. (Act May 8, 1914, ch. 79, sec. 8.) Right reserved to alter, amend, or repeal act.

That Congress may at any time alter, amend, or repeal any or all of the provisions of this Act. (38 Stat. 374.)

Sec. 430. (Act June 30, 1914, ch. 131.) Correspondence, bulletins, and reports for the furtherance of cooperative agricultural extension work between agricultural colleges and the Department of Agriculture may be transmitted free of postage by college officer, etc., designated therefor.

That all correspondence, bulletins, and reports for the furtherance of the purposes of the Act approved May eighth, nineteen hundred and fourteen, entitled "An Act to provide for cooperative agricul-

tural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and the Acts supplementary thereto, and the United States Department of Agriculture," may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General. (38 Stat. 438.)

This is a provision of the agricultural appropriation act for the fiscal year 1915, cited above.

Act May 8, 1914, ch. 79, mentioned herein, is set forth, *ante*, secs. 422-429.

The bulletins or reports of progress and the annual reports published at agricultural experiment stations established under Act March 2, 1887, ch. 314, shall be transmitted through the mails free of postage under regulations by the Postmaster General, by a provision of section 4 of said act, *post*, sec. 434.

CHAPTER 23.

AGRICULTURAL EXPERIMENT STATIONS.

Sec. 431. (Act March 2, 1887, ch. 314, sec. 1.) Establishment of experiment stations at State agricultural colleges.

That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, under direction of the college or colleges or agricultural department of colleges in each State or Territory established, or which may hereafter be established, in accordance with the provisions of an act approved July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State or Territory in which two such colleges have been or may be so established the appropriation hereinafter made to such State or Territory shall be equally divided between such colleges, unless the legislature of such State or Territory shall otherwise direct. (24 Stat. 440.)

This section and the nine sections next following were an act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto," and known as the "Hatch Act," cited above.

Section 4 of Act July 2, 1862, ch. 130, mentioned in this section, as amended by Act March 3, 1883, ch. 102, is set forth, *ante*, 414, and the entire act, as originally enacted, is set forth as a note to that section.

Provisions making increased annual appropriations for the endowment and maintenance of agricultural colleges were made by Act August 30, 1890, ch. 841, *ante*, secs. 415-420, and Act March 4, 1907, ch. 2907, *ante*, sec. 421.

Sec. 432. (Act March 2, 1887, ch. 314, sec. 2.) Scope of researches of agricultural experiment stations.

That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and eco-

onomic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States or Territories. (24 Stat. 440.)

The agricultural experiment stations are required to devote a portion of their work to examination and classification of the soils of their respective States and Territories, by a provision of Act March 2, 1889, ch. 373, *post*, sec. 450.

The agricultural experiment stations were to cooperate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, by provisions of the agricultural appropriation acts for the fiscal years 1900 to 1906, inclusive. The provisions of the act for the fiscal year 1906, Act March 3, 1905, ch. 105, is set forth *post*, sec. 451.

Sec. 433. (Act March 2, 1887, ch. 314, sec. 3.) Supervision of agricultural experiment stations by Secretary of Agriculture; annual reports of operations and finances.

That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act. It shall be the duty of each of said stations, annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States. (24 Stat. 441.)

The Department of Agriculture was made an executive department under the supervision and control of a Secretary of Agriculture, by Act February 9, 1889, ch. 122, *ante*, secs. 2-5, and the Secretary was authorized and directed to perform all the duties of the former Commissioner of Agriculture, by Act July 14, 1890, ch. 707, *ante*, sec. 6.

The Secretary of Agriculture was directed to prescribe the form of the annual financial statement required by this section, by a provision in each annual agricultural appropriation act. The provision of the act for the fiscal year 1922, Act March 3, 1921, ch. 127, is set forth *post*, sec. 452.

Appropriations for carrying the provisions of this act into effect were made in each annual agricultural appropriation act beginning with that for the fiscal year 1889.

Sec. 434. (Act March 2, 1887, ch. 314, sec. 4.) Publication and distribution of bulletins of agricultural experiment stations; bulletins and annual reports to be transmitted free of postage.

That bulletins or reports of progress shall be published at said stations at least once in three months, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe. (24 Stat. 441.)

Besides the bulletins and reports of the agricultural experiment stations mentioned in this section, the preparation and printing of an annual report 19024-24—16

on the work and expenditures of the agricultural experiment stations established under this act, and on the work and expenditures of the Department of Agriculture in connection therewith, were provided for by Act March 4, 1915, ch. 144, *ante*, sec. 127.

The sale of card indexes of agricultural literature prepared by the Office of Experiment Stations of the Department of Agriculture was authorized by Act May 23, 1908, ch. 192, *ante*, sec. 61.

Sec. 435. (Act March 2, 1887, ch. 314, sec. 5.) Annual appropriation from sales of public lands; portion thereof for buildings.

That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of fifteen thousand dollars per annum is hereby appropriated to each State, to be specially provided for by Congress in the appropriations from year to year, and to each Territory entitled under the provisions of section eight of this act, out of any money in the Treasury proceeding from the sales of public lands, to be paid in equal quarterly payments, on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same, the first payment to be made on the first day of October, eighteen hundred and eighty-seven: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding five per centum of such annual appropriation may be so expended. (24 Stat. 441.)

The sum named as an annual appropriation in this section was increased by \$5,000 for the fiscal year 1906, with an annual increase of \$2,000 for five years, and the annual amount to be paid thereafter to each State and Territory was to be \$30,000, by Act March 16, 1906, ch. 951, *post*, secs. 442-447.

The certification and payment to the Georgia Experiment Station of all appropriations authorized by this act, and by Act March 16, 1906, ch. 951, *post*, 442-447, were authorized by provision of Act October 1, 1918, ch. 178, *post*, sec. 449.

Sec. 436. (Act March 2, 1887, ch. 314, sec. 6.) Unexpended appropriations.

That whenever it shall appear to the Secretary of the Treasury from the annual statement of receipts and expenditures of any of said stations that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation to such station, in order that the amount of money appropriated to any station shall not exceed the amount actually and necessarily required for its maintenance and support. (24 Stat. 441.)

Sec. 437. (Act March 2, 1887, ch. 314, sec. 7.) Relation of agricultural colleges to State or Territorial governments not affected by act.

That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States or Territories in which they are respectively located. (24 Stat. 441.)

Sec. 438. (Act March 2, 1887, ch. 314, sec. 8.) Application of act in States having experiment stations separate from agricultural colleges.

That in States having colleges entitled under this section to the benefits of this act and having also agricultural experiment stations

established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States; and in case any State shall have established under the provisions of said act of July second aforesaid, an agricultural department or experimental station, in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the legislature of such State may apply in whole or in part the appropriation by this act made, to such separate agricultural college, or school, and no legislature shall by contract express or implied disable itself from so doing. (24 Stat. 441.)

See section 1 of this act and notes thereto, *ante*, sec. 431.

Sec. 439. (Act March 2, 1887, ch. 314, sec. 9.) Grants of money subject to legislative assent.

That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants: *Provided*, That payment of such instalments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof duly certified to the Secretary of the Treasury. (24 Stat. 442.)

Provisions authorizing the governor of the State or Territory to make assent to such instalments of appropriations as may become due when the legislature is not in session, are contained in Act June 7, 1888, ch. 373, *post*, sec. 441.

Sec. 440. (Act March 2, 1887, ch. 314, sec. 10.) Reservation of power to amend, suspend, or repeal act.

Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act, but Congress may at any time amend suspend or repeal any or all the provisions of this act. (24 Stat. 442.)

Sec. 441. (Act June 7, 1888, ch. 373.) Assent by governor of State or Territory to grant of money for agricultural experiment stations.

That the grant of money authorized by the act of Congress entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of acts supplementary thereto," are subject as therein provided to the legislative assent of the States or Territories to be affected thereby; but as to such installments of the appropriations as may be now due or may hereafter become due, when the legislature may not be in session, the governor of said State or Territory may make the assent therein provided, and upon a duly certified copy thereof to the Secretary of the Treasury he shall cause the same to be paid in the manner provided in the act of which this is amendatory, until the termination of the next regular session of the legislature of such State or Territory. (25 Stat. 176.)

This was an act entitled "An act to amend an act entitled 'An act to establish agricultural stations in connection with the colleges estab-

lished in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto," cited above.

Act March 2, 1887, ch. 314, mentioned in this act, is set forth *ante*, secs. 431-440.

Section 4 of Act July 2, 1862, ch. 130, mentioned in this section, as amended by Act March 3, 1883, ch. 102, is set forth *ante*, sec. 414, and the entire act, as originally enacted, is set forth as a note to that section.

Provisions requiring legislative assent of the several States and Territories to grants of money for experiment stations are contained in Act March 2, 1887, ch. 314, sec. 9, *ante*, sec. 439.

Sec. 442. (Act March 16, 1906, ch. 951, sec. 1.) Increased annual appropriations for agricultural experiment stations.

That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March second, eighteen hundred and eighty-seven, the sum of five thousand dollars in addition to the sum named in said Act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories. (34 Stat. 63.)

This section and the five sections next following constitute an act entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and known as the "Adams Act," cited above.

Act March 2, 1887, ch. 314, mentioned herein, is set forth *ante*, secs. 431-440. Section 5 of said act, *ante*, 435, appropriated \$15,000 annually to each State and Territory for expenses of agricultural experiment stations provided for by said act.

This act was construed as to amounts thereby appropriated for each fiscal year to and including 1911, and the time, etc., of payment thereof, by provisions of Act June 30, 1906, ch. 3913, *post*, sec. 448.

The certification and payment to the Georgia Experiment Station of all appropriations authorized by this act and by Act March 2, 1887, ch. 314, *ante*, secs. 431-440, were authorized by provisions of Act October 1, 1913, ch. 178, *post*, sec. 449.

Appropriations for carrying into effect the provisions of this act were made annually in the agricultural appropriation acts for the fiscal years 1908 and thereafter.

The provisions of this act are similar to those relating to the annual appropriations for agricultural colleges, of Act August 30, 1890, ch. 841, *ante*, secs. 415-420.

Sec. 443. (Act March 16, 1906, ch. 951, sec. 2.) Time, manner, etc., of annual payments to States and Territories; grants of money subject to legislative assent, or assent by governor.

That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July, and October of each year by the

Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this Act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of legislature meeting next after the passage of this Act shall be made upon the assent of the governor thereof, duly certified by the Secretary of the Treasury. (34 Stat. 63.)

Sec. 444. (Act March 16, 1906, ch. 951, sec. 3.) Diminution of fund to be replaced by State or Territory; fund not to be applied to buildings; reports of operations including statements of receipts and expenditures.

That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this Act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys exceeding five per centum of each annual appropriation shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. It shall be the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States. (34 Stat. 63.)

The Secretary of Agriculture is directed to prescribe the form of the annual financial statement required under this act, ascertain whether the expenditures are in accordance with its provisions, and make report thereon to Congress, by a provision in each annual agricultural appropriation act. The provision of the act for the fiscal year 1922, Act March 3, 1921, ch. 127, is set forth, *post*, sec. 452.

Sec. 445. (Act March 16, 1906, ch. 951, sec. 4.) Annual ascertainment and certification of amounts due States and Territories; withholding certificates, and report thereof and appeals to Congress.

That on or before the first day of July in each year after the passage of this Act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this Act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this Act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported

to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law. (34 Stat. 64.)

See note to preceding section.

Sec. 446. (Act March 16, 1906, ch. 951, sec. 5.) Annual reports to Congress of receipts and expenditures and work of agricultural experiment stations, and of withholding appropriations.

That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor. (34 Stat. 64.)

The Department of Agriculture was required to prepare an annual report of the work and expenditures of the agricultural experiment stations, and its work and expenditures in connection therewith, of which 8,000 copies were to be printed, by Act March 4, 1915, ch. 144, *ante*, sec. 127.

Sec. 447. (Act March 16, 1906, ch. 951, sec. 6.) Reservation of power to amend, suspend, or repeal act.

That Congress may at any time amend, suspend, or repeal any or all of the provisions of this Act. (34 Stat. 64.)

Sec. 448. (Act June 30, 1906, ch. 3913.) Annual appropriations for agricultural experiment stations; construction of Act March 16, 1906, ch. 951.

The Act of Congress approved March sixteenth, nineteen hundred and six, entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof," shall be construed to appropriate for each station the sum of five thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and six, the sum of seven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and seven, the sum of nine thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eight, the sum of eleven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and nine, the sum of thirteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and ten, and the sum of fifteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eleven. The sum of five thousand dollars appropriated for the fiscal year nineteen hundred and six shall be paid on or before June thirtieth, nineteen hundred and six, and the amounts appropriated for the subsequent years shall be paid as provided in the said Act to each State and Territory for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March second, eighteen hundred and eighty-seven. (34 Stat. 696.)

These were provisions of the agricultural appropriation act for the fiscal year 1907, cited above.

Act March 16, 1906, ch. 951, mentioned in and construed by these provisions, is set forth, *ante*, secs. 442-447.

Act March 2, 1887, ch. 314, also mentioned, is set forth, *ante*, secs. 431-440.

Sec. 449. (Act October 1, 1918, ch. 178.) Payment to Georgia Experiment Station of appropriations for agricultural experiment stations.

That hereafter the Secretary of Agriculture be, and he is hereby, authorized and directed to certify to the Secretary of the Treasury for payment, and the Secretary of the Treasury is authorized and directed to pay the appropriation for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and all future appropriations, to the Georgia Experiment Station, as authorized by the Act of March second, eighteen hundred and eighty-seven (Twenty-fourth Statutes, page four hundred and forty), commonly referred to as the Hatch Act, and the Act of March sixteenth, nineteen hundred and six (Thirty-fourth Statutes, page sixty-three), known as the Adams Act, and all amendments to said Acts, in accordance with the act of the General Assembly of Georgia, approved December twenty-ninth, eighteen hundred and eighty-eight, establishing the Georgia Experiment Station, and the act of August eighteenth, nineteen hundred and six, accepting the benefits of the Adams Act (Georgia laws, nineteen hundred and six, page eleven hundred and sixty-one): *Provided further*, That nothing herein shall be construed as limiting the authority of the Secretary of Agriculture over and respecting the supervision of the operation of the said Georgia Experiment Station as set forth in said Acts of Congress. (40 Stat. 998.)

These were provisos annexed to appropriations for carrying into effect the provisions of Acts March 2, 1887, ch. 314, and March 16, 1906, ch. 951, mentioned therein, in the agricultural appropriation act for the fiscal year 1919, cited above. Said Act March 2, 1887, is set forth *ante*, secs. 431-440. and said Act March 16, 1906, is set forth *ante*, secs. 442-447.

Sec. 450. (Act March 2, 1889, ch. 373.) Examination and classification of soils by agricultural experiment stations.

That, as far as practicable, all such stations shall devote a portion of their work to the examination and classification of the soils of their respective States and Territories, with a view to securing more extended knowledge and better development of their agricultural capabilities. (25 Stat. 841.)

This was a proviso annexed to the appropriation for experiment stations in the agricultural appropriation act for the fiscal year 1890, cited above.

The scope of the investigations of agricultural experiment stations referred to was prescribed by Act March 2, 1887, ch. 314, sec. 2, *ante*, sec. 432.

Sec. 451. (Act March 3, 1905, ch. 1405.) Agricultural experiment stations to cooperate in establishing and maintaining experimental grass stations.

The agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and

for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country. (33 Stat. 869.)

This was a provision of the agricultural appropriation act for the fiscal year 1906, cited above. Similar provisions were contained in the similar acts for the six preceding fiscal years.

Sec. 452. (Act February 26, 1923, ch. 119.) Report of expenditures under acts relating to agricultural experiment stations and cooperative agricultural extension work between agricultural colleges and the Department of Agriculture.

The Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said Acts, and make report thereon to Congress. (42 Stat. 1292.)

This is a provision of the agricultural appropriation act for the fiscal year 1924, cited above, accompanying appropriations therein to carry into effect the provisions of Act March 2, 1887, ch. 314, *ante*, secs. 431-440, and Act March 16, 1906, ch. 951, *ante*, secs. 442-447, to which the words "the above acts" refer. Similar provisions, in language varying more or less, were contained in the agricultural appropriation acts for preceding fiscal years.

CHAPTER 24.

BIRDS AND GAME ANIMALS.

Sec. 453. (Act June 3, 1902, ch. 983.) Regulation of importation of eggs of game birds for propagation.

That from and after the passage of this Act the Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes. (32 Stat. 285.)

This was an act entitled "An act to regulate the introduction of eggs of game birds for propagation," cited above.

The importation of eggs of game birds and eggs of birds not used for food, except specimens for scientific collections, was prohibited, and the importation of eggs of game birds for purposes of propagation was authorized under rules and regulations to be prescribed by the Secretary of the Treasury, by provisions of the Tariff Act of August 3, 1913, ch. 16, sec. 1, *post*, sec. 454.

Sec. 454. (Act October 3, 1913, ch. 16, sec. 1.) Importation of eggs of game birds and eggs of birds not used for food, prohibited; regulation of importation of eggs of game birds for purposes of propagation.

That the importation of eggs of game birds or eggs of birds not used for food, except specimens for scientific collections, is prohibited: *Provided further*, That the importation of eggs of game birds for purposes of propagation is hereby authorized, under rules and regulations to be prescribed by the Secretary of the Treasury. (38 Stat. 157.)

These were provisions of the Tariff Act of October 3, 1913, ch. 16, sec. 1, cited above.

Provisions in the same language were contained in the Tariff Act of 1909, Act August 5, 1909, ch. 6, 36 Stat. 75.

The Secretary of Agriculture was empowered to authorize the importation of eggs of game birds for purposes of propagation and to prescribe rules and regulations therefor, by Act June 3, 1902, ch. 983, *ante*, sec. 453.

Sec. 455. (Act October 3, 1913, ch. 16, sec. 1.) Importation of feathers, etc., of wild birds prohibited; prohibition not applicable to feathers or plumes of ostriches or of domestic fowls.

That the importation of aigrettes, egret plumes or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins, or parts of skins, of wild birds, either raw or manufactured, and not for scientific or educational purposes, is hereby prohibited: but this provision shall not apply to the feathers or plumes of ostriches, or to the feathers or plumes of domestic fowls of any kind. (38 Stat. 148.)

This was a provision of the Tariff Act of October 3, 1913, ch. 16, sec. 1, cited above.

Sec. 456. (Act June 28, 1906, ch. 3565, sec. 1.) Hunting, etc., birds, or taking their eggs on bird-breeding grounds, unlawful.

That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever or take the

eggs of such birds on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture. (34 Stat. 536.)

This section and the section next following were an act entitled "An act to protect birds and their eggs in game and bird preserves," cited above.

The provisions of this act, except the proviso annexed to section 2 thereof, *post*, sec. 457, excepting from the provisions of the act the Black Hills Forest Reservation, in South Dakota, were incorporated into section 84 of the Criminal Code, Act March 4, 1909, ch. 321, *post*, sec. 458. See notes thereto.

Sec. 457. (Act June 28, 1906, ch. 3565, sec. 2.) Punishment for violations of act; act not to apply to Black Hills Forest Reservation.

That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding five hundred dollars or be imprisoned for a period not exceeding six months, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That the provisions of this Act shall not apply to the Black Hills Forest Reservation, in South Dakota. (34 Stat. 537.)

See notes to preceding section.

Sec. 458. (Act March 4, 1909, ch. 321, sec. 84.) Hunting, etc., birds, and taking their eggs on breeding-grounds; punishment.

Whoever shall hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird, on any lands of the United States which have been set apart or reserved as breeding grounds for birds, by any law, proclamation, or executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. (35 Stat. 1104.)

This was a section of the Criminal Code, cited above. It incorporated the provisions of Act June 28, 1906, ch. 3565, *ante*, secs. 456, 457, except a proviso annexed thereto, that the provisions of said act should not apply to the Black Hills Forest Reservation in South Dakota.

Appropriations for the enforcement of this section were made annually in the agricultural appropriation acts for the fiscal years 1911 and thereafter.

The President is authorized to designate such areas on lands purchased under Act March 1, 1911, ch. 186, for the protection of game animals, birds, or fish, and whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any such lands or in the waters thereof, except under the rules and regulations prescribed by the Secretary of Agriculture, shall be fined not more than \$500 or imprisoned not more than six months, or both, by Act August 11, 1916, ch. 313, *post*, sec. 643.

The President was authorized to designate such areas in Wichita Forest Reserve and in Grand Canyon Forest Reserve and in Harney National Forest as should in his opinion be set aside for the protection of game animals and birds and as breeding places therefor, and hunting, etc., of such animals and birds upon lands within such areas, except under regulations by the Secretary of Agriculture, was made a misdemeanor punishable by fine or imprisonment, or both, by Act January 24, 1905, ch. 137, *post*, secs. 583-585, Act June 29, 1906, ch. 3539, *post*, secs. 586-588, and Act June 5, 1920, ch. 247, *post*, secs. 590-593.

Sec. 459. (Act June 30, 1914, ch. 131.) Establishment of Sullys Hill National Park Game Preserve.

For the improvement of a game preserve in Sullys Hill National Park, in the State of North Dakota, \$5,000, the same to be available until expended. The Secretary of Agriculture is authorized to inclose the said park with a good and substantial fence, to construct thereon all sheds, buildings, and corrals necessary for the proper care and maintenance of the animals and birds therein, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals and birds placed therein. The Secretary of Agriculture is also authorized to place in the park buffalos, elk, deer, and such other wild or rare animals and birds as he may in his discretion decide. (38 Stat. 434.)

These were provisions of the agricultural appropriation act for the fiscal year 1915, cited above.

Appropriations for this game preserve were made annually in the agricultural appropriation acts for the fiscal years 1916 and thereafter.

Sec. 460. (Act May 23, 1908, ch. 192.) Establishment of National Bison Range.

NATIONAL BISON RANGE: The President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed twelve thousand eight hundred acres of said lands, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the herd of bison to be presented by the American Bison Society. And there is hereby appropriated the sum of thirty thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille, and such other Indians and persons holding tribal relations or may rightfully belong on said Flathead Indian Reservation, the appraised value of said lands as shall be fixed and determined under the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment." And the Secretary of Agriculture is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor the sum of ten thousand dollars or so much thereof as may be necessary; in all, forty thousand dollars. (35 Stat. 267.)

These were provisions of the agricultural appropriation act for the fiscal year 1909, cited above.

The unexpended balance of the appropriation made by these provisions was reappropriated for fencing the lands reserved and the erection of buildings thereon, and for enlarging the limits of the bison range as provided for thereby, and the President was authorized to reserve additional lands within the Flathead Indian Reservation sufficient area to enlarge said range to 20,000, by the agricultural appropriation act for the fiscal year 1910, Act March 4, 1909, ch. 301, *post*, sec. 461. Further appropriations for maintenance of the Montana National Bison Range were made annually in the subsequent similar acts.

Sec. 461. (Act March 4, 1909, ch. 301.) Enlargement of the Montana National Bison Range.

For the maintenance of the Montana National Bison Range and other reservations for mammals and birds, seven thousand dollars; and so much of the forty thousand dollars heretofore appropriated for the Montana National Bison Range as remains unexpended is hereby reappropriated, the same to be immediately available, to be expended in fencing said lands, the erection thereon of the necessary sheds and buildings, and enlarging the limits heretofore established so as to make the total acreage not to exceed twenty thousand acres, and the President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, a sufficient area to enlarge said range as herein provided. (35 Stat. 1051.)

This was a provision of the agricultural appropriation act for the fiscal year 1910, cited above.

The President was directed to reserve from unallotted lands embraced within the Flathead Indian Reservation, Montana, not to exceed 12,800 acres, for a permanent national bison range, and provision was made for the payment to Indian tribes the appraised value of said lands, and the Secretary of Agriculture was directed to inclose said lands and erect thereon necessary buildings for the care and maintenance of bison, by the agricultural appropriation act for the fiscal year 1908, Act May 23, 1908, ch. 192, *ante*, sec. 460.

Sec. 462. (Act August 10, 1912, ch. 284.) Establishment of Wind Cave National Game Preserve.

For the establishment of a national game preserve, to be known as the Wind Cave National Game Preserve, upon the land embraced within the boundaries of the Wind Cave National Park, in the State of South Dakota, for a permanent national range for a herd of buffalo to be presented to the United States by the American Bison Society, and for such other native American game animals as may be placed therein. The Secretary of Agriculture is authorized to acquire by purchase or condemnation such adjacent lands as may be necessary for the purpose of assuring an adequate, permanent water supply, and to enclose the said game preserve with a good and substantial fence and to erect thereon all necessary sheds and buildings for the proper care and maintenance of the said animals, twenty-six thousand dollars, to be available until expended. (37 Stat. 293.)

These were provisions of the agricultural appropriation act for the fiscal year 1913, cited above.

The Wind Cave National Park was established, and its boundaries were described, by Act June 9, 1903, ch. 63, 32 Stat. 765, entitled "An act to set apart certain lands in the State of South Dakota as a public park to be known as the Wind Cave National Park," which read as follows:

"That there are hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public park, all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southeast corner of section thirteen, township six south, range five east, Black Hills meridian, South Dakota; thence westerly to the southwest corner of the southeast quarter of section sixteen, said township; thence northerly along the quarter-section lines to the northwest corner of the northeast quarter of section four, said township; thence easterly to the southwest corner of section thirty-four, township five south, range five east; thence northerly to the northwest corner of said section; thence easterly to the northeast corner of section thirty-one, township five south,

range six east; thence southerly along the section lines to the southeast corner of section seven, township six south, range six east; thence westerly to the southwest corner of said section; thence southerly to the southeast corner of section thirteen, township six south, range five east, the place of beginning: *Provided*, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said park.

"SEC. 2. That said park shall be known as the Wind Cave National Park and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same.

"SEC. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, the cavern underlying the above-described lands, and also pieces and parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

"SEC. 4. That all funds arising from such rentals or leases shall be covered into the Treasury of the United States as a special fund to be expended in the care and improvement of said park.

"SEC. 5. That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of this park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government and secure other land, outside of the park, in accordance with the provisions of the law relating to the subject of such relinquishment of lands in forest reserves in the State of South Dakota.

"SEC. 6. That all persons who shall unlawfully intrude upon said park, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall upon conviction be fined in a sum not more than one thousand dollars or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court."

Sec. 463. (Act August 10, 1912, ch. 284.) Establishment of an elk reserve in Wyoming.

For the establishment of a winter game (elk) reserve in the State of Wyoming, which shall be located in that section of Wyoming lying south of the Yellowstone Park, and shall include not less than two thousand acres in township forty-one north, ranges one hundred and fifteen and one hundred and sixteen west, forty-five thousand dollars, to be available until expended, and the Secretary of Agriculture is hereby authorized to purchase said lands with improvements, to erect necessary buildings and inclosures, and to incur other expenses necessary for the maintenance of the reserve. (37 Stat. 293.)

This was a provision of the agricultural appropriation act for the fiscal year 1913, cited above.

A subsequent provision for the establishment of a winter elk refuge in the State of Wyoming was made by Act March 4, 1913, ch. 145, *post*, sec. 464.

Sec. 464. (Act March 4, 1913, ch. 145.) Establishment of an elk refuge in Wyoming.

For the establishment and maintenance of a winter elk refuge in the State of Wyoming, \$5,000, to be available until expended, and the Secretary of Agriculture is hereby authorized to include in said refuge and to inclose not more than one thousand acres of unoccupied public lands, which when selected shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge. (37 Stat. 847.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

A previous provision for the establishment of a winter elk reserve in the State of Wyoming was made by Act August 10; 1912, ch. 284, *ante*, sec. 463.

Sec. 465. (Act March 4, 1909, ch. 321, sec. 241.) Importation of certain injurious animals and birds forbidden; permits for foreign wild animals and birds; specimens for museums, etc.

The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section. (35 Stat. 1137.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 241, cited above, incorporating therein section 2 of Act May 25, 1900, ch. 553, 31 Stat. 1882, known as the "Lacey Act," which section is expressly repealed by section 341 of said Code.

Appropriations for the enforcement of this section and the three sections of the Criminal Code next following, and also section 1 of Act May 25, 1900, ch. 553, *ante*, sec. 82, are made annually in the agricultural appropriation acts.

Sec. 466. (Act March 4, 1909, ch. 321, sec. 242.) Transportation of foreign animals or birds, whose importation is prohibited, or of wild animals or birds killed or shipped in violation of State, etc., laws, unlawful; shipments in game season; feathers of barnyard fowls.

It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States, to any other State, Territory, or District thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: *Provided further*, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls. (35 Stat. 1137.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 242, cited above, incorporating therein the provisions of section 3 and provisions of section 5, of Act May 25, 1900, ch. 553, 31 Stat. 188, known as

the "Lacey Act." Said section 3 of said Act May 25, 1900, was expressly repealed by section 341 of the Criminal Code, but said section 5 is not mentioned in said repealing section, and is set forth, *post*, sec. 469.

See note to preceding section.

Sec. 467. (Act March 4, 1909, ch. 321, sec. 243.) Marking of packages containing bodies or plumage of game animals or game or other wild birds, shipped in interstate or foreign commerce.

All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on an inspection of the outside of such package. (35 Stat. 1137.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 243, cited above, incorporating therein provisions of section 4 of Act May 25, 1900, ch. 553, 31 Stat. 188, which section is expressly repealed by section 341 of said Code.

See note to section 241 of this act, *ante*, sec. 465.

Sec. 468. (Act March 4, 1909, ch. 321, sec. 244.) Penalty for violations.

For each evasion or violation of any provision of the three sections last preceding, the shipper shall be fined not more than two hundred dollars; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than two hundred dollars; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than two hundred dollars. (35 Stat. 1138.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 244, cited above, incorporating therein provisions of section 4 of Act May 25, 1900, ch. 553, 31 Stat. 188, known as the "Lacey Act" which section is expressly repealed by section 341 of said Code.

See note to section 241 of this act, *ante*, sec. 465.

Sec. 469. (Act May 25, 1900, ch. 553, sec. 5.) Dead bodies of game animals or game or song birds, importation or interstate transportation of which is prohibited, subject to laws of such State or Territory into which they are transported; feathers of barnyard fowl.

That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl. (31 Stat. 188.)

This was the final section of an act entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," and known as the Lacey Act, cited above.

Section 1 of this act, enlarging the powers of the Department of Agriculture so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds, is set forth *ante*, sec. 82.

Sections 2-4 of this act, and the provision at the end of this section, that "This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl" were incorporated into the Criminal Code, Act March 4, 1909, ch. 321, secs. 241-244, *ante*, secs. 465-468, and said sections 2-4 are expressly repealed by section 341 of the said Code.

Sec. 470. (Act March 4, 1913, ch. 145.) (1) Migratory game and insectivorous birds protected; taking or destruction prohibited.

All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

(2) Regulations prescribing closed seasons; punishment for taking, etc., during closed seasons.

The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than \$100 or imprisoned not more than ninety days, or both, in the discretion of the court.

(3) Period for examination, etc., of regulations before adoption; hearings thereon; approval by President; effect of regulations on local laws.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however*, That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute. (37 Stat. 847.)

These were provisions of the agricultural appropriation act for the fiscal year 1914, cited above.

A further provision, omitted here, made an appropriation of \$10,000 for carrying out these provisions. Appropriations for enforcing said provisions were also made annually in the agricultural appropriation acts for the fiscal years 1915 to 1919, inclusive, but not thereafter. Any un-

expended balance of said appropriations made in said acts for the fiscal years 1917 and 1918 were reappropriated for carrying into effect the provisions of the Migratory Bird Treaty Act, Act July 3, 1918, ch. 128, *post*, secs 471-483, by section 9 of said Act, *post*, sec. 479.

Federal district courts and state courts have decided that these provisions can not be sustained as an exercise by Congress of the power to regulate commerce (See *United States v. Shauver*, 214 Fed. 154; *United States v. McCullagh*, 221 Fed. 288; *State v. McCullagh*, 96 Kan. 786, 153 Pac. 557; *State v. Sawyer*, 113 Me. 458, 94 Atl. 886); nor as an exercise of the power to protect the property of the United States (see *United States v. Shauver*, *ib.*; *United States v. McCullagh*, *ib.*; *State v. Sawyer*, *ib.*); nor as an exercise of the implied powers of the national government (see *United States v. Shauver*, *ib.*). The question of the constitutionality of the provisions, however, has not yet (1922) come before the United States Supreme Court.

The Department of Agriculture was empowered to adopt measures for the preservation, distribution, introduction, and restoration of game birds and other wild birds, subject, however, to the laws of the various states and territories, by Act May 25, 1900, ch. 553, sec. 1, *ante*, sec. 82.

Sec. 471. (Act July 3, 1918, ch. 128, sec. 1.) Short title of act.

That this Act shall be known by the short title of the "Migratory Bird Treaty Act." (40 Stat. 755.)

This section and the twelve sections next following were an act entitled "An act to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August sixteenth, nineteen hundred and sixteen, and for other purposes," cited above.

Sec. 472. (Act July 3, 1918, ch. 128, sec. 2.) Taking, killing, possessing, etc., migratory birds unlawful.

That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful to hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time or in any manner, any migratory bird, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds concluded August sixteenth, nineteen hundred and sixteen, or any part, nest, or egg of any such bird. (40 Stat. 755.)

Regulations permitting and governing the hunting, taking, etc., of migratory birds, etc., under this act were provided for by section 3 thereof, *post*, sec. 473.

Proclamation of the convention between the United States and Great Britain, referred to in this section, dated December 8, 1916 (39 Stat. 1702), omitting the formal portions, was as follows:

"Whereas a Convention between the United States of America and the United Kingdom of Great Britain and Ireland for the protection of migratory birds in the United States and Canada was concluded and signed by their respective Plenipotentiaries at Washington, on the sixteenth day of August, one thousand nine hundred and sixteen, the original of which Convention is word for word as follows:

"Whereas, Many species of birds in the course of their annual migrations traverse certain parts of the United States and the Dominion of Canada; and

"Whereas, Many of these species are of great value as a source of food or in destroying insects which are injurious to forests and forage plants on the public domain, as well as to agricultural crops, in both the United States and Canada, but are nevertheless in danger of extermination through lack of adequate protection during the nesting season or while on their way to and from their breeding grounds;

"The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or are harmless, have resolved to adopt some uniform system of protection which shall effectively accomplish such objects and to the end of concluding a convention for this purpose have appointed as their respective Plenipotentiaries:

"The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

"His Britannic Majesty, the Right Honorable Sir Cecil Arthur Spring Rice, G. C. V. O., K. C. M. G., etc., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

"Who, after having communicated to each other their respective full powers which were found to be in due and proper form, have agreed to and adopted the following articles:

"ARTICLE I.

"The High Contracting Powers declare that the migratory birds included in the terms of this Convention shall be as follows:

"1. Migratory Game Birds:

"(a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.

"(b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.

"(c) Rallidae or rails, including coots, gallinules and sora and other rails.

"(d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock and yellowlegs.

"(e) Columbidae or pigeons, including doves and wild pigeons.

"2. Migratory Insectivorous Birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers and wrens, and all other perching birds which feed entirely or chiefly on insects.

"3. Other Migratory Nongame Birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

"ARTICLE II.

"The High Contracting Powers agree that, as an effective means of preserving migratory birds there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities:

"1. The close season on migratory game birds shall be between March 10 and September 1, except that the close season on the Limicolae or shorebirds in the Maritime Provinces of Canada and in those States of the United States bordering on the Atlantic Ocean which are situated wholly or in part north of Chesapeake Bay shall be between February 1 and August 15, and that Indians may take at any time scoters for food but not for sale. The season for hunting shall be further restricted to such period not exceeding three and one-half months as the High Contracting Powers may severally deem appropriate and define by law or regulation.

"2. The close season on migratory insectivorous birds shall continue throughout the year.

"3. The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murre and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

"ARTICLE III.

"The High Contracting Powers agree that during the period of ten years next following the going into effect of this Convention, there shall be a continuous close season on the following migratory game birds, to wit:—

"Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shorebirds (except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellowlegs); provided that during such ten years the close seasons on cranes, swans and curlew in the Province of British Columbia shall be made by the proper authorities of that Province within the general dates and limitations elsewhere prescribed in this Convention for the respective groups to which these birds belong.

"ARTICLE IV.

"The High Contracting Powers agree that special protection shall be given the wood duck and the eider duck either (1) by a close season extending over a period of at least five years, or (2) by the establishment of refuges, or (3) by such other regulations as may be deemed appropriate.

"ARTICLE V.

"The taking of nests or eggs of migratory game or insectivorous or nongame birds shall be prohibited, except for scientific or propagating purposes under such laws or regulations as the High Contracting Powers may severally deem appropriate.

"ARTICLE VI.

"The High Contracting Powers agree that the shipment or export of migratory birds or their eggs from any State or Province, during the continuance of the close season in such State or Province, shall be prohibited except for scientific or propagating purposes, and the international traffic in any birds or eggs at such time captured, killed, taken, or shipped at any time contrary to the laws of the State or Province in which the same were captured, killed, taken, or shipped shall be likewise prohibited. Every package containing migratory birds or any parts thereof or any eggs of migratory birds transported, or offered for transportation from the United States into the Dominion of Canada or from the Dominion of Canada into the United States, shall have the name and address of the shipper and an accurate statement of the contents clearly marked on the outside of such package.

"ARTICLE VII.

"Permits to kill any of the above-named birds which, under extraordinary conditions, may become seriously injurious to the agricultural or other interests in any particular community, may be issued by the proper authorities of the High Contracting Powers under suitable regulations prescribed therefor by them respectively, but such permits shall lapse, or may be canceled, at any time when, in the opinion of said authorities, the particular exigency has passed, and no birds killed under this article shall be shipped, sold or offered for sale.

"ARTICLE VIII.

"The High Contracting Powers agree themselves to take, or propose to their respective appropriate law-making bodies, the necessary measures for insuring the execution of the present Convention.

"ARTICLE IX.

"The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Convention shall take effect on the date of the exchange of the ratifications. It shall remain in force for fifteen years and in the event of neither of the High Contracting

Powers having given notification, twelve months before the expiration of said period of fifteen years, of its intention of terminating its operation, the Convention shall continue to remain in force for one year and so on from year to year.

"In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

"Done at Washington this sixteenth day of August, one thousand nine hundred and sixteen.

[SEAL.]

[SEAL.]

ROBERT LANSING.

CECIL SPRING RICE.

"And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the seventh day of December, one thousand nine hundred and sixteen;

"Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof."

Sec. 473. (Act July 3, 1918, ch. 128, sec. 3.) Determination as to when and how migratory birds may be taken, killed, possessed, etc.; adoption and approval of regulations.

That subject to the provisions and in order to carry out the purposes of the convention, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means, it is compatible with the terms of the convention to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President. (40 Stat. 755.)

Regulations authorized by this section, adopted and approved to March 4, 1921, were proclaimed by the President in proclamations as follows: July 31, 1918, 40 Stat. 1812; October 25, 1918, 40 Stat. 1863; July 28, 1919, 41 Stat. 1764; July 9, 1920, 41 Stat. 1798; March 3, 1921, 41 Stat. 1817.

See section 2 of this act, and note thereto, as to the convention referred to in this section, *ante* sec. 472.

Sec. 474. (Act July 3, 1918, ch. 128, sec. 4.) Shipment, etc., interstate or to a foreign country of birds, etc., killed, taken, shipped, etc., contrary to State, etc., laws, unlawful; importation of birds, etc., killed, taken, shipped, etc., contrary to laws of Provinces of Canada, unlawful.

That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in

which the same was captured, killed, or taken, or from which it was shipped, transported, or carried. (40 Stat. 755.)

The transportation from one State, etc., to another of any foreign birds the importation of which is prohibited, or dead bodies or parts thereof of any wild birds killed or shipped in violation of the laws of the State, etc., in which the same were killed or from which they were shipped, was prohibited, except transportation of any dead birds killed during the open season and the export of which is not prohibited by law in the State, etc., in which the same were captured or killed, by Act March 4, 1909, ch. 321, sec. 242, *ante*, sec. 466.

Sec. 475. (Act July 3, 1918, ch. 128, sec. 5.) Authorized employees of Department of Agriculture empowered to arrest for violations, execute warrants, etc., and make searches; issue of warrants, seizure and forfeiture of birds, nests, and eggs killed, taken, shipped, etc., contrary to act, etc.

That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act shall have power, without warrant, to arrest any person committing a violation of this Act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this Act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulations made pursuant thereto shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and, upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this Act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction. (40 Stat. 756.)

See note to section 3 of this act as to regulations made pursuant thereto, *ante*, sec. 473.

Sec. 476. (Act July 3, 1918, ch. 128, sec. 6.) Punishment for violations of act, etc.

That any person, association, partnership, or corporation who shall violate any of the provisions of said convention or of this Act, or who shall violate or fail to comply with any regulations made pursuant to this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both. (40 Stat. 756.)

See section 2 of this act, as to the convention referred to in this section and note thereto as to the provisions thereof, *ante*, sec. 472.

See note to section 3 of this act as to regulations made pursuant thereto, *ante*, sec. 473.

Sec. 477. (Act July 3, 1918, ch. 128, sec. 7.) Act not to interfere with State or Territorial laws, etc., for protection of migratory birds, etc., not inconsistent with convention and not extending open seasons.

That nothing in this Act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of said convention of this Act, or from making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs, if such laws or regulations do not extend the open seasons for such birds beyond the dates approved by the President in accordance with section three of this Act. (40 Stat. 756.)

See section 2 of this act as to the convention referred to in this section, and note thereto as to the provisions thereof, *ante*, sec. 472.

See section 4 of this act, and note thereto, as to regulations governing open seasons, etc., *ante*, sec. 473.

Sec. 478. (Act July 3, 1918, ch. 128, sec. 8.) Taking, killing, possessing, etc., and shipping, etc., migratory birds, nests, and eggs for scientific or propagating purposes.

That until the adoption and approval, pursuant to section three of this Act, of regulations dealing with migratory birds and their nests and eggs, such migratory birds and their nests and eggs as are intended and use exclusively for scientific or propagating purposes may be taken, captured, killed, possessed, sold, purchased, shipped, and transported for such scientific or propagating purposes if and to the extent not in conflict with the laws of the State, Territory, or District in which they are taken, captured, killed, possessed, sold, or purchased, or in or from which they are shipped or transported if the packages containing the dead bodies or the nests or eggs of such birds when shipped and transported shall be marked on the outside thereof so as accurately and clearly to show the name and address of the shipper and the contents of the package. (40 Stat. 756.)

Section 3 of this act, mentioned in this section, is set forth, *ante*, sec. 473.

Sec. 479. (Act July 3, 1918, ch. 128, sec. 9.) Reappropriation of unexpended balances of sums appropriated for protection of migratory game and insectivorous birds, for carrying act into effect.

That the unexpended balances of any sums appropriated by the agricultural appropriation Acts for the fiscal years nineteen hundred and seventeen and nineteen hundred and eighteen, for enforcing the provisions of the Act approved March fourth, nineteen hundred and thirteen, relating to the protection of migratory game and insectivorous birds, are hereby reappropriated and made available until expended for the expenses of carrying into effect the provisions of this Act and regulations made pursuant thereto, including the payment of such rent, and the employment of such persons and means, as the Secretary of Agriculture may deem necessary, in the District of Columbia and elsewhere, cooperation with local authorities in the protection of migratory birds, and necessary investigations connected therewith: *Provided*, That no person who is subject to the draft for service in the Army or Navy shall be exempted or excused from such service by reason of his employment under this Act. (30 Stat. 756.)

Appropriations made in the agricultural appropriation acts for the fiscal years 1915 to 1919, inclusive, for carrying out the provisions of Act May 4, 1913, ch. 145, mentioned in this section, *ante*, sec. 470, were thereafter discontinued.

Further appropriations for enforcing the provisions of this act were made annually in the gricultural appropriation acts for the fiscal years 1920 and thereafter.

Sec. 480. (Act July 3, 1918, ch. 128, sec. 10.) Partial invalidity of act not to invalidate remainder.

That if any clause, sentence, paragraph, or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (40 Stat. 757.)

Sec. 481. (Act July 3, 1918, ch. 128, sec. 11.) Inconsistent laws repealed.

That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed. (40 Stat. 757.)

Sec. 482. (Act July 3, 1918, ch. 128, sec. 12.) Breeding migratory game birds for food supply.

Nothing in this Act shall be construed to prevent the breeding of migratory game birds on farms and preserves and the sale of birds so bred under proper regulation for the purpose of increasing the food supply. (40 Stat. 757.)

Sec. 483. (Act July 3, 1918, ch. 128, sec. 13.) Time of taking effect of Act.

That this Act shall become effective immediately upon its passage and approval. (40 Stat. 757.)

Sec. 484. (Act May 11, 1908, ch. 162, sec. 1.) Destruction of wild game animals or wild birds in Alaska, prohibited; definition of "game animals" and "game birds"; act not to affect laws relating to fur seal, etc., or prevent killing of game for food, etc.

From and after the passage of this Act the wanton destruction of wild game animals or wild birds, except eagles, ravens, and cormorants, the destruction of nests and eggs of such birds, or the killing of any wild birds, other than game birds, except eagles, for the purposes of selling the same or the skins or any part thereof, except as herein-after provided, is hereby prohibited.

GAME DEFINED.—The term "game animals" shall include deer, moose, caribou, mountain sheep, mountain goats, brown bear, sea lions, and walrus. The term "game birds" shall include waterfowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan.

EXEMPTIONS.—Nothing in this Act shall affect any law now in force in Alaska relating to the fur seal, sea otter, or any fur-bearing animal or prevent the killing of any game animal or bird for food or clothing at any time by natives, or by miners or explorers, when in need of food; but the game animals or birds so killed during close season shall not be shipped or sold. (35 Stat. 102.)

This section and the seven sections next following were an act entitled "An act to amend an act entitled 'An act for the protection of game in Alaska, and for two other purposes,' approved June seventh, nineteen hundred and two," cited above.

This act, amending Act June 7, 1902, ch. 1037, 32 Stat. 327, entirely superseded said previous act.

Appropriations for carrying out this act are made annually in the sundry civil appropriation acts.

Sec. 485. (Act May 11, 1908, ch. 152, sec. 2.) Open season for specified animals and birds; caribou in Kenai Peninsula; Secretary of Agriculture authorized to make rules and regulations prohibiting sale of game, modifying close seasons, or further restricting, etc., killing of animals or birds in any locality.

SEASON.—That it shall be unlawful for any person in Alaska to kill any wild game animals or birds, except during the season hereinafter provided: North of latitude sixty-two degrees, brown bear may be killed at any time; moose, caribou, sheep, walrus, and sea lions from August first to December tenth, both inclusive; south of latitude sixty-two degrees, moose, caribou, and mountain sheep from August twentieth to December thirty-first, both inclusive; brown bear from October first to July first, both inclusive; deer and mountain goats from April first to February first, both inclusive; grouse, ptarmigan, shore birds, and waterfowl from September first to March first, both inclusive: *Provided*, That no caribou shall be killed on the Kenai Peninsula before August twentieth, nineteen hundred and twelve: *And provided further*, That the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations prohibiting the sale of any game in any locality modifying the close seasons hereinbefore established, providing different close seasons for different parts of Alaska, placing further restrictions and limitations on the killing of such animals or birds in any given locality, or prohibiting killing entirely for a period not exceeding two years in such locality. (35 Stat. 102.)

See notes to preceding section.

The killing of grouse, ptarmigan, shore birds, and waterfowl from September first to March first, anywhere in the Territory of Alaska was made lawful by Act March 4, 1911, ch. 280, *post*, sec. 492.

Sec. 486. (Act May 11, 1908, ch. 162, sec. 3.) Limitations on numbers of specified animals or birds to be killed by one person; restrictions on hunting with dogs, guns, or boats.

NUMBER.—That it shall be unlawful for any person to kill any female or yearling moose or for any one person to kill in any one year more than the number specified of each of the following animals: Two moose, one walrus or sea lion, three caribou, three mountain sheep, three brown bear, or to kill or to have in his possession in any one day more than twenty-five grouse or ptarmigan or twenty-five shore birds or waterfowl.

GUNS AND BOATS.—That it shall be unlawful for any person at any time to hunt with dogs any of the game animals specified in this Act; to use a shotgun larger than number ten gauge, or any gun other than that which can be fired from the shoulder; or to use steam launches or any boats other than those propelled by oars or paddles in the pursuit of game animals or birds. (35 Stat. 103.)

See notes to section 1 of this act, *ante*, sec. 484.

Sec. 487. (Act May 11, 1908, ch. 162, sec. 4.) Sale, etc., or purchase, etc., of game animals or game birds, or parts thereof, during close season, prohibited.

SALE.—That it shall be unlawful for any person or persons at any time to sell or offer for sale any hides, skins, or heads of any game animals or game birds in Alaska, or to sell, offer for sale, or

purchase, or offer to purchase, any game animals or game birds, or parts thereof, during the time when the killing of such animals or birds is prohibited: *Provided*, That it shall be lawful for dealers having in possession game animals or game birds legally killed during the open season to dispose of the same within fifteen days after the close of said season. (36 Stat. 103.)

See notes to section 1 of this act, *ante*, sec. 484.

Sec. 488. (Act May 11, 1908, ch. 162, sec. 5.) Hunting licenses for nonresidents, with shipping coupons; shipping licenses; affidavits for shipment; licenses for hunting and shipping big game; disposition of proceeds from licenses; estimates for enforcement of act; reports of licenses, etc.; employment of game wardens and licensing of guides.

LICENSES.—That it shall be unlawful for any nonresident of Alaska to hunt any of the game animals protected by this Act, except deer and goats, without first obtaining a hunting license, or to hunt on the Kenai Peninsula without a registered guide, and such license shall not be transferable and shall be valid only during the calendar year in which issued. Each applicant shall pay a fee of one hundred dollars for such license, unless he be a citizen of the United States, in which case he shall pay a fee of fifty dollars. Each license shall be accompanied by coupons authorizing the shipment of two moose if killed north of latitude sixty-two degrees, four deer, three caribou, three mountain sheep, three goats, and three brown bear, or any part of said animals, but no more of any one kind.

A resident of Alaska desiring to export heads or trophies of any of the game animals mentioned in this Act shall first obtain a shipping license, for which he shall pay a fee of forty dollars, permitting the shipment of heads or trophies of one moose, if killed north of latitude sixty-two degrees, four deer, two caribou, two sheep, two goats, and two brown bear, but no more of any one kind; or a shipping license, for which he shall pay a fee of ten dollars, permitting the shipment of a single head or trophy of caribou or sheep; or a shipping license, for which he shall pay a fee of five dollars, permitting the shipment of a single head or trophy of any goat, deer, or brown bear. Any person wishing to ship moose killed south of latitude sixty-two degrees must first obtain a special shipping license, for which he shall pay a fee of one hundred and fifty dollars, permitting the shipment of one moose, or any part thereof. Not more than one general license and two special moose licenses shall be issued to any one person in one year: *Provided*, That before any trophy shall be shipped from Alaska under the provisions of this Act the person desiring to make such shipment shall first make and file with the customs office at the port where such shipment is to be made an affidavit to the effect that he has not violated any of the provisions of this Act; that the trophy which he desires to ship has not been bought or purchased and has not been sold and is not being shipped for the purpose of being sold, and that he is the owner of the trophy which he desires to ship, and if the trophy is that of moose, whether the animal from which it was taken was killed north or south of latitude sixty-two degrees: *Provided further*, That any resident of Alaska prior to September first, nineteen hundred and eight, may without permit or license ship any head or trophy of any of the game

animals herein mentioned upon filing an affidavit with the customs office at the port where such shipment is to be made that the animal from which said head or trophy was taken was killed prior to the passage of this Act. Any affidavit required by the provisions of this Act may be subscribed and sworn to before any customs officer or before any officer competent to administer an oath.

The governor of Alaska is hereby authorized to issue licenses for hunting and shipping big game. On issuing a license he shall require the applicant to state whether the heads or trophies to be obtained or shipped under said license will pass through the ports of entry at Seattle, Washington, Portland, Oregon, or San Francisco, California, and he shall forthwith notify the collector of customs at the proper port of entry as to the name of the holder of the license and the name and address of the consignee. All proceeds from licenses, except one dollar from each fee, which shall be retained by the clerk issuing the license to cover the cost of printing and issue, shall be paid into the Treasury of the United States as miscellaneous receipts; the amount necessary for the enforcement of this Act shall be estimated for annually by the Agricultural Department and appropriated for including the employment and salaries to be paid to game wardens herein authorized. And the governor shall annually make a detailed and itemized report to the Secretary of Agriculture, in which he shall state the number and kind of licenses issued, the money received, which report shall also include a full statement of all trophies exported and all animals and birds exported for any purpose.

And the governor of Alaska is further authorized to employ game wardens, to make regulations for the registration and employment of guides, and fix the rates for licensing guides and rates of compensation for guiding. Every person applying for a guide license shall, at the time of making such application, make and file with the person issuing such license an affidavit to the effect that he will obey all the conditions of this Act and of the regulations thereunder, that he will not violate any of the game laws or regulations of Alaska, and that he will report all violations of such laws and regulations that come to his knowledge. Any American citizen or native of Alaska, of good character, upon compliance with the requirements of this Act, shall be entitled to a guide license. Any guide who shall fail or refuse to report any violation of this Act, or who shall himself violate any of the provisions of this Act, shall have his license revoked, and in addition shall be liable to the penalty provided in section seven of this Act, and shall be ineligible to act as guide for a period of five years from the date of conviction. (35 Stat. 103.)

See notes to section 1 of this act, *ante*, sec. 484.

Sec. 489. (Act May 11, 1908, ch. 162, sec. 6.) Shipment, etc., of wild birds, or parts thereof, or heads, hides, or carcasses of specified animals unaccompanied by required license or coupon or copy of affidavit, unlawful; collections for scientific purposes, etc., under permit, etc., not to be prevented.

That it shall be unlawful for any persons, firm, or corporation, or their officers or agents, to deliver to any common carrier, or for the owner, agent, or master of any vessel, or for any other person, to receive for shipment or have in possession with intent to ship out of

Alaska, any wild birds, except eagles, or parts thereof, or any heads, hides, or carcasses of brown bear, caribou, deer, moose, mountain sheep, or mountain goats, or parts thereof, unless said heads, hides, or carcasses are accompanied by the required license or coupon and by a copy of the affidavit required by section five of this Act: *Provided*, That nothing in this Act shall be construed to prevent the collection of specimens for scientific purposes, the capture or shipment of live animals and birds for exhibition or propagation, or the export from Alaska of specimens under permit from the Secretary of Agriculture, and under such restrictions and limitations as he may prescribe and publish.

It shall be the duty of the collector of customs at Seattle, Portland, and San Francisco to keep strict account of all consignments of game animals received from Alaska, and no consignment of game shall be entered until due notice thereof has been received from the governor of Alaska or the Secretary of Agriculture, and found to agree with the name and address on the shipment. In case consignments arrive without licenses they shall be detained for sixty days, and if a license be not then produced said consignments shall be forfeited to the United States and shall be delivered by the collector of customs to the United States marshal of the district for such disposition as the court may direct. (35 Stat. 104.)

Sec. 490. (Act May 11, 1908, ch. 162, sec. 7.) Violation of provisions of act, or making false affidavit, a misdemeanor; forfeiture of game, guns, etc., and punishment; enforcement of act by officers; arrests without warrant and seizures of game, etc.; aid of Secretary of Treasury in carrying out provisions of act.

PENALTIES.—That any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession, and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished for each offense by a fine of not more than two hundred dollars or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court. Any person making any false or untrue statements in any affidavit required by this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all trophies in his possession, and shall be punished by a fine in any sum not more than two hundred dollars or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court.

ENFORCEMENT.—It is hereby made the duty of all marshals and deputy marshals, collectors or deputy collectors of customs, all officers of revenue cutters, and all game wardens to assist in the enforcement of this Act. Any marshal, deputy marshal, or warden in or out of Alaska may arrest without warrant any person found violating any of the provisions of this Act or any of the regulations herein provided, and may seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game or birds and found in the possession of said person in or out of Alaska, and any collector or deputy collector of customs, or warden, or licensed guide, or any person authorized in writing by a marshal shall have the power above provided to arrest persons found violating this Act or said regulations and seize said property with-

out warrant to keep and deliver the same to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury, upon request of the governor or Secretary of Agriculture, to aid in carrying out the provisions of this Act. (35 Stat. 105.)

See notes to section 1 of this act, *ante*, sec. 484.

Sec. 491. (Act May 11, 1908, ch. 162, sec. 8.) Conflicting acts or parts of acts repealed.

That all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed. (35 Stat. 105.)

See notes to section 1 of this act, *ante*, sec. 484.

Sec. 492. (Act March 4, 1911, ch. 280.) Open season extended for certain game birds in Alaska.

That from and after the passage of this Act it shall be lawful to kill grouse, ptarmigan, shore birds, and waterfowl from September first to March first, both inclusive, anywhere in the Territory of Alaska. (36 Stat. 1360.)

This was an act entitled "An act for the protection of game in the Territory of Alaska," cited above.

This act amended provisions of Act May 11, 1908, ch. 162, sec. 2, *ante*, sec. 485, making it unlawful to kill any birds in Alaska except grouse, ptarmigan, shore birds, and waterfowl, from September first to March first, inclusive.

Sec. 493. (Act June 6, 1900, ch. 786, sec. 29.) Taking, possessing, shipment, transportation, etc., of eggs of certain water birds in Alaska, prohibited; violation a misdemeanor; punishment.

That no person shall break, take from the nest, or have in possession the eggs of any crane, wild duck, brant, or goose; nor shall any person transport or ship out of said Territory the eggs or the contents of the eggs of any crane, wild duck, brant, or goose; nor shall any person, common carrier or other transportation company carry or receive for shipment such eggs or the contents of said eggs, and any person or company who shall have in possession or receive for shipment or transportation any eggs or the contents of any eggs of the crane, wild duck, brant, or goose shall be guilty of a misdemeanor and upon conviction be punished as provided in this section. Any person or company violating the provisions of this section shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding six months. (31 Stat. 332.)

These were provisions of an act entitled "An act making further provision for a civil government of Alaska, and for other purposes," cited above.

CHAPTER 25.

HIGHWAYS.

Sec. 494. (Act July 11, 1916, ch. 241, sec. 1.) Cooperation with state highway departments in construction of rural post roads; agreement as to roads to be constructed; tolls to be prohibited.

That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this Act to any State shall be expended therein until its legislature shall have assented to the provisions of this Act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this Act, the assent of the governor of the State shall be sufficient. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction: *Provided*, That all roads constructed under the provisions of this Act shall be free from tolls of all kinds. (39 Stat. 355.)

This section and the eight sections next following were part of an act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," cited above.

Section 8 of this act, relating to construction, etc., of roads and trails in national forests, is set forth *post*, sec. 573.

Section 11 of this act provided that the act should be in force from the date of its passage.

This act was designated the "Federal Aid Act" by Act November 9, 1921, ch. 119, sec. 2, *post*, sec. 512.

Sec. 495. (Act July 11, 1916, ch. 241, sec. 2, as amended by Act February 28, 1919, ch. 69, sec. 5.) "Rural post road," "State highway department," "construction," and "properly maintained," defined.

That for the purpose of this Act the term "rural post road" shall be construed to mean any public road a major portion of which is now used, or can be used, or forms a connecting link not to exceed ten miles in length of any road or roads now or hereafter used for the transportation of the United States mails, excluding every street and road in a place having a population, as shown by the latest available Federal census, of two thousand five hundred or more, except that portion of any such street or road along which the houses average more than two hundred feet apart; the term "State highway department" shall be construed to include any department of another name, or commission, or official or officials, of a State empowered, under its laws, to exercise the functions ordinarily exercised by a State highway department; the term "construction" shall be construed to include reconstruction and improvement of roads; "properly maintained" as used herein shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface considering the type of the road; but shall not be held to include extraordinary repairs, nor reconstruction; necessary

bridges and culverts shall be deemed parts of the respective roads covered by the provision of this Act. (39 Stat. 356; 40 Stat. 1200.)

The amendment of this section by Act February 28, 1919, ch. 69, sec. 5, cited above, consisted in the substitution for the words "a major portion of which is now used, or can be used, or forms a connecting link not to exceed ten miles in length of any road or roads now or hereafter used for transportation of the United States mails" in the definition of "rural post roads" in the section as set forth above, for the words "over which the United States mails now are or may hereafter be transported" in the section as originally enacted.

Sec. 496. (Act July 11, 1916, ch. 241, sec. 3.) Appropriations; expenditure by States; when and for what time available.

That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and seventeen, the sum of \$5,000,000; for the fiscal year ending June thirtieth, nineteen hundred and eighteen, the sum of \$10,000,000; for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of \$15,000,000; for the fiscal year ending June thirtieth, nineteen hundred and twenty, the sum of \$20,000,000; and for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, the sum of \$25,000,000. So much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year, except that amounts apportioned for any fiscal year to any State which has not a State highway department shall be available for expenditure in that State until the close of the third fiscal year succeeding the close of the fiscal year for which such apportionment was made. Any amount apportioned under the provisions of this Act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within sixty days thereafter, to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State highway departments and to the governors of States having no State highway departments in the same way as if it were being apportioned under this Act for the first time: *Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this Act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State to be expended under the provisions of this Act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this Act. (39 Stat. 356.)

Additional appropriations of \$50,000,000 for the fiscal year 1919, and \$75,000,000 each for the fiscal years 1920 and 1921, for carrying out the provisions of this act were made by Act February 28, 1919, ch. 69, sec. 6, *post*, sec. 503. A further appropriation of \$75,000,000 for the fiscal year 1922 for carrying out the provisions of Act November 9, 1921, ch. 119, amendatory of this act, as amended and supplemented, was made by section 20 thereof, *post*, sec. 530; and appropriations of \$50,000,000 for the fiscal year 1923, \$65,000,000 for the fiscal year 1924, and \$75,000,000 for the fiscal

year 1925, for carrying out the provisions of this act and all acts amendatory thereof and supplementary thereto, were made by Act June 19, 1922, ch. 227, sec. 4, par. 1, *post*, sec. 535a.

Sec. 497. (Act July 11, 1916, ch. 241, sec. 4.) Appropriations; expenditure for administration; apportionment of balance to States.

That so much, not to exceed three per centum, of the appropriation for any fiscal year made by or under this Act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this Act shall be deducted for that purpose, available until expended. Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this Act will not be needed for that purpose and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the State highway departments, and to the governors of States having no State highway departments, in the same way as other amounts authorized by this Act to be apportioned among all the States for such current fiscal year. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture. (39 Stat. 356.)

Sec. 498. (Act July 11, 1916, ch. 241, sec. 5.) Appropriations; certification to States of apportionment.

That within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State highway department and to the governor of each State having no State highway department the sum which he has estimated to be deducted for administering the provisions of this Act and the sum which he has apportioned to each State for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and on or before January twentieth next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year. (39 Stat. 357.)

Sec. 499. (Act July 11, 1916, ch. 241, sec. 6, as amended by Act February 28, 1919, ch. 69, sec. 5.) Project statements of proposed construction of roads; submission by States to Secretary of Agriculture; approval; setting aside share of appropriations apportioned to States; payment of appropriations to States; construction work and labor on roads; how done; payments on.

That any State desiring to avail itself of the benefits of this Act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates there-

for as he may require: *Provided, however,* That the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvements. Items included for engineering, inspection, and unforeseen contingencies shall not exceed ten per centum of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such project, which shall not exceed fifty per centum of the total estimated cost thereof. No payment of any money apportioned under this Act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

When the Secretary of Agriculture shall find that any project so approved by him has been constructed in compliance with said plans and specifications he shall cause to be paid to the proper authority of said State the amount set aside for said project: *Provided,* That the Secretary of Agriculture may, in his discretion, from time to time make payments on said construction as the same progresses, but these payments including previous payments, if any, shall not be more than the United States' pro rata part of the value of the labor and materials which have been actually put into said construction in conformity to said plans and specifications; nor shall any such payment be in excess of \$20,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span. The construction work and labor in each State shall be done in accordance with its laws, and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this Act.

The Secretary of Agriculture and the State highway department of each State may jointly determine at what times, and in what amounts, payments, as work progresses, shall be made under this Act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official, or officials, or depository, as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State or county. (39 Stat. 357; 40 Stat. 1200.)

The limitation of payments which the Secretary of Agriculture might make to States under the proviso in the second paragraph of this section, as fixed by Act July 11, 1916, ch. 241, sec. 6, cited above, was "10,000." The amendment by Act February 28, 1919, ch. 69, sec. 5, also cited above, consisted in the increase of said limitation to "\$20,000," as set forth above. The limitation as provided by said Act February 28, 1919, ch. 69, sec. 5, was further changed by amendment thereof by Act June 19, 1922, ch. 227, sec. 4, par. 4, as set forth, *post*, sec. 502a.

Sec. 500. (Act July 11, 1916, ch. 241, sec. 7.) Maintenance of roads constructed under act.

To maintain the roads constructed under the provisions of this Act shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this Act is not being properly maintained

he shall give notice of such fact to the highway department of such State and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty it is to maintain said road, until it has been put in a condition of proper maintenance. (39 Stat. 358.)

Sec. 501. (Act July 11, 1916, ch. 241, sec. 9.) Payment from appropriations authorized for assistants, etc., rent, supplies, etc.

That out of the appropriations made by or under this Act, the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this Act. (39 Stat. 359.)

Sec. 502. (Act July 11, 1916, ch. 241, sec. 10.) Rules and regulations for carrying out act.

That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this Act. (39 Stat. 359.)

Sec. 502a. (Act February 28, 1919, ch. 69, sec. 5, as amended by Act June 19, 1922, ch. 227, sec. 4, par. 4.) Limitation of payments; application to public land States.

That the payments which the Secretary of Agriculture may make from sums appropriated under this Act or any Act amendatory thereof or supplementary thereto for the fiscal year ending June 30, 1923, shall not exceed \$16,250 per mile exclusive of the cost of bridges of more than twenty feet of clear span; and that the payments which the Secretary of Agriculture may make from any sums appropriated under the provisions of this Act or any Act amendatory thereof or supplementary thereto, after the fiscal year ending June 30, 1923, shall not exceed \$15,000 per mile exclusive of the cost of bridges of more than twenty feet of clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the Act entitled "An Act to amend the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,'" approved November 9, 1921. (40 Stat. 1200; 42 Stat. 660.)

This was a provision of the postal service appropriation act for the fiscal year 1920, cited above, as amended by Act June 19, 1922, ch. 227, sec. 5, par. 4, also cited above. The provision of Act February 28, 1919, ch. 69, sec. 5, here amended, was amendatory of a provision of Act July 11, 1916, ch. 241, sec. 6, which read as follows: "That said section 6 of said act be further amended so that the limitation of payments not to exceed \$10,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span, which the Secretary of Agriculture may make, be, and the same is, increased to \$20,000 per mile."

Act November 9, 1921, ch. 119, sec. 11, mentioned in this section, is set forth, *post*, sec. 521.

Sec. 503. (Act February 28, 1919, ch. 69, sec. 6.) Appropriations; funds for states with constitutional prohibition against or limitation on internal improvements; labor preference to honorably discharged soldiers, etc.

That for the purpose of carrying out the provisions of said Act, as herein amended, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums: The sum of \$50,000,000 for the fiscal year ending June 30, 1919, and available immediately; the sum of \$75,000,000 for the fiscal year ending June 30, 1920; and the sum of \$75,000,000 for the fiscal year ending June 30, 1921; said additional sums to be expended in accordance with the provisions of said Act: *Provided*, That where the constitution of any State prohibits the same from engaging upon internal improvements, or from contracting public debts for extraordinary purposes in an amount sufficient to meet the monetary requirements of the Act of July 11, 1916, or any Act amendatory thereof, or restricts annual tax levies for the purpose of constructing and improving roads and bridges, and where a constitutional alteration or amendment to overcome either or all of such prohibitions must be submitted to a referendum at a general election, the sum to which such State is entitled under the method of apportionment provided in the Act of July 11, 1916, or any Act amendatory thereof, shall be withdrawn by the Secretary of the Treasury from the principal fund appropriated by the Act of July 11, 1916, or any Act amendatory thereof, upon receipt of the certification of the governor of such State to the existence of either or all of said prohibitions, and such sum shall be carried by the Secretary of the Treasury as a separate fund for future disbursement as hereinafter provided: *Provided further*, That when, by referendum, the constitutional alterations or amendments necessary to the enjoyment of the sum so withdrawn have been approved and ratified by any State, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, shall immediately make available to such State, for the purposes set forth in the Act of July 11, 1916, or any Act amendatory thereof, the sum withdrawn as hereinbefore provided: *Provided further*, That nothing herein shall be deemed to prevent any State from receiving such portion of said principal sum as is available under its existing constitution and laws: *Provided further*, That in the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines, but any other preference or discrimination among citizens of the United States in connection with the expenditure of this appropriation is hereby declared to be unlawful. (40 Stat. 1201.)

This was a section of the postal service appropriation act for the fiscal year 1920, cited above.

Act July 11, 1916, ch. 241, referred to in this section, is set forth, *ante*, secs. 494-502.

Previous appropriations of \$5,000,000 for the fiscal year 1917, \$10,000,000 for the fiscal year 1918, \$15,000,000 for the fiscal year 1919, \$20,000,000 for the fiscal year 1920, and \$25,000,000 for the fiscal year 1921, for carrying out the provisions of Act July 11, 1916, ch. 241, were made by section 3 of that act, *ante*, sec. 496. A further appropriation of \$75,000,000 for the fiscal year 1922 for carrying out the provisions of Act November 9, 1921, ch. 119, amendatory of said Act July 11, 1916, was made by section 20 thereof, *post*, sec. 530; and appropriations of \$50,000,000 for the fiscal year

1923, \$65,000,000 for the fiscal year 1924, and \$75,000,000 for the fiscal year 1925, for carrying out the provisions of said Act July 11, 1916, and all acts amendatory thereof and supplementary thereto, were made by Act June 19, 1922, ch. 227, sec. 4, par. 1, *post*, sec. 535a.

Sec. 504. (Act February 28, 1919, ch. 69, sec. 7.) Transfer of war material, equipment, and supplies not needed by War Department and suitable for highway improvement to Secretary of Agriculture; distribution among State highway departments; reservation for national forests.

That the Secretary of War be, and he is hereby, authorized in his discretion to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department, but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road Act, approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision. (40 Stat. 1201.)

This was a section of the postal service appropriation act for the fiscal year 1920, cited above.

Act July 11, 1916, ch. 241, referred to in this section, is set forth, *ante*, secs. 494-502.

The Secretary of War was further authorized to transfer to the Secretary of Agriculture, for use in improvement of highways and roads under the provisions of this section, surplus motor-propelled vehicles and specified material, equipment, and supplies, by Act March 15, 1920, ch. 100, *post*, secs. 506-510.

Provisions similar to those of this section were made by Act November 9, 1921, ch. 119, sec. 5, *post*, sec. 515.

The Secretary of War was authorized and directed to transfer and deliver to the Secretary of Agriculture certain tractors for distribution among the States for use on roads constructed by Federal aid, by Act March 3, 1921, ch. 128, sec. 1, *post*, sec. 510a.

Sec. 505. (Act February 28, 1919, ch. 69, sec. 9.) Work on roads by officers or enlisted men of Army, Navy, or Marine Corps; consent thereto; report to Congress; equalization of pay.

That no officer or enlisted man of the Army, Navy, or Marine Corps shall be detailed for work on the roads which come within the provisions of this Act except by his own consent: *And provided further*, That the Secretary of Agriculture through the War Department shall ascertain the number of days any such soldiers, sailors, and marines have worked on the public roads in the several States (other than roads within the limits of cantonments or military reservations in the several States) during the existing war and also the location where they worked and their names and rank, and report to Congress at the beginning of its next regular session: *Provided further*, That when any officer or enlisted man in the Army, the Navy, or the Marine Corps shall have been or may be in the future detailed for labor in the building of roads or other highway construction or repair work (other than roads within the limits of cantonments or military reservations in the several States),

during the existing war, the pay of such officer or enlisted man shall be equalized to conform to the compensation paid to civilian employees in the same or like employment and the amount found to be due such officers, soldiers, sailors, and marines, less the amount of his pay as such officer, soldier, sailor, or marine, shall be paid to him from the 1920 appropriation herein allotted to the States wherein such highway construction or repair work was or will be performed. (40 Stat. 1202.)

This was a section of the postal service appropriation act for the fiscal year 1920, cited above.

Sec. 506. (Act March 15, 1920, ch. 100, sec. 1.) Transfer of surplus motor-propelled vehicles, equipment, etc., pertaining to Military Establishment to Department of Agriculture for highway improvement.

That the Secretary of War be, and he is hereby, authorized and directed to transfer such motor-propelled vehicles and motor equipment, including spare parts, pertaining to the Military Establishment as are or may hereafter be found to be surplus and no longer required for military purposes, to (a) the Department of Agriculture, for use in the improvement of highways and roads under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department, for the fiscal year 1920, and for other purposes": *Provided, however*, That no more motor-propelled vehicles, motor equipment, and other war material, equipment, and supplies, the transfer of which is authorized in this Act, shall be transferred to the Department of Agriculture for the purposes named in section 7 of said Act than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer; (b) the Post Office Department for use in the transmission of mails; and (c) the Treasury Department, for the use of the Public Health Service under the provisions of Section 3 of the Act approved March 3, 1919, entitled "An Act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines." (41 Stat. 530.)

This section and the four sections next following were part of an act entitled "An act to authorize the Secretary of War to transfer certain surplus motor-propelled vehicles and motor equipment and road-making material to various services and departments of the Government, and for the use of the States," cited above.

Section 3 of this act, authorizing the Secretary of War to transfer to the Department of Agriculture surplus telephone supplies for the use of the Forest Service, is set forth *post*, sec. 574.

Section 7 of Act February 28, 1919, ch. 69, mentioned in this section, set forth, *ante*, sec. 504, authorized the Secretary of War to transfer to the Secretary of Agriculture war material, equipment, and supplies for distribution among the States for use on roads constructed by Federal aid; and provisions similar to those of that section were made by Act November 9, 1921, ch. 119, sec. 6, *post*, sec. 515.

The Secretary of War was authorized and directed to transfer and deliver to the Secretary of Agriculture certain tractors for distribution among the States for use on roads constructed by Federal aid, by Act March 3, 1921, ch. 128, sec. 1, *post*, sec. 515.

Sec. 507. (Act March 15, 1920, ch. 100, sec. 2.) Transfer of specified surplus material, equipment, and supplies pertaining to Military Establishment to Department of Agriculture, for highway improvement.

That the Secretary of War is hereby authorized and directed to transfer to the Department of Agriculture, under the provisions of section 7 of the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year 1920, and for other purposes," for use in the improvement of highways and roads, as therein provided, the following war material, equipment, and supplies pertaining to the Military Establishment as are or may hereafter be found to be surplus and not required for military purposes, to wit, road rollers, graders, and oilers; sprinkling wagons; concrete mixers; derricks; pile-driver outfits complete; air and steam drill outfits; centrifugal and diaphragm pumps with power; rock crushers; clamshell and orange-peel buckets; road scarifiers; caterpillar and drag-line excavators; plows; cranes; trailers; rubber and steam hose; asphalt plants; steam shovels; dump wagons; hoisting engines; air-compressor outfits with power; boilers; drag, Fresno, and wheel scrapers; stump pullers; wheelbarrows; screening plants; wagon loaders; blasting machines; hoisting cable; air hose, corrugated-metal culverts; explosives and exploders; engineers' transits, levels, tapes, and similar supplies and equipment; drafting machines; planimeters; fabricated bridge materials; industrial railway equipment; conveyors, gravity and power; donkey engines; corrugated-metal roofing; steel and iron pipe; wagons and similar equipment and supplies such as are used directly for road-building purposes. (41 Stat. 530.)

Section 7 of Act February 28, 1919, ch. 69, mentioned in this section, is set forth, *ante*, sec. 504.

See preceding section and notes thereto.

Sec. 508. (Act March 15, 1920, ch. 100, sec. 4.) Freight charges not to be defrayed by War Department; reimbursement of War Department for loading; States to pay Department of Agriculture for property received; freight charges to be deducted.

That freight charges incurred in the transfer of the property provided for in this Act shall not be defrayed by the War Department, and if the War Department shall load any of said property for shipment the expense of said loading shall be reimbursed the War Department by the Department to which the property is transferred by an adjustment of the appropriations of the two departments: *Provided, however*, That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, pay to the Department of Agriculture the amount of 20 per centum of the estimated value of said property, as fixed by the Secretary of Agriculture or under his direction, against which sum the said State may set off all freight charges paid by it on the shipment of said property, not to exceed, however, said 20 per centum. (41 Stat. 531.)

See sections 1 and 2 of this act, *ante*, secs. 506, 507.

Sec. 509. (Act March 15, 1920, ch. 100, sec. 5.) Title to vehicles, etc., vested in State; sale, etc., to individuals, etc., forbidden; rental permitted for constructing, etc., public highways.

That the title to said vehicles and equipment shall be and remain vested in the State for use in the improvement of the public high-

ways, and no such vehicles and equipment in serviceable condition shall be sold or the title to the same transferred to any individual, company, or corporation: *Provided*, That any State highway department to which is assigned motor-propelled vehicles and other equipment and supplies, transferred herein to the Department of Agriculture, may, in its discretion, arrange for the use of such vehicles and equipment, for the purpose of constructing or maintaining public highways, with any State agency or municipal corporation at a fair rental which shall not be less than the cost of maintenance and repair of said vehicles and equipment. (41 Stat. 531.)

See sections 1 and 2 of this act, *ante*, secs. 506, 507.

Sec. 510. (Act March 15, 1920, ch. 100, sec. 6.) Prohibition on vehicle expenditures not applicable to authorized transfers.

That the provisions of the Act of July 16, 1914 (Thirty-eighth Statutes, page 454), prohibiting the expenditure of appropriations by any of the executive departments or other Government establishments for the maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles in the absence of specific statutory authority, shall not apply to vehicles transferred, or hereafter to be transferred, by the Secretary of War to the Department of Agriculture for the use of the Department under the provisions of this Act, or under the provisions of section 7 of the Act of February 28, 1919, referred to in section 1 hereof: *Provided, however*, That nothing in this Act contained shall be held or construed to modify, amend, or repeal the provisions of the last proviso under the item entitled "Contingencies of the Army," as contained in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes," approved July 11, 1919, except as to direction for the transfer of those articles enumerated in section 2 hereof. (41 Stat. 431.)

Act July 16, 1914, ch. 141, sec. 5, referred to in this section, is set forth, *post*, sec. 1025.

Act February 28, 1919, ch. 69, sec. 7, mentioned in this section, is set forth, *ante*, sec. 504.

Section 1 of this act, authorizing the Secretary of War to transfer to the Department of Agriculture surplus motor-propelled and horse-drawn vehicles for use in the improvement of highways and roads, is set forth, *ante*, sec. 506.

Sec. 510a. (Act March 3, 1921, ch. 128, sec. 1.) Transfer of tractors of War Department to Secretary of Agriculture for distribution among States for use on roads constructed by Federal aid.

That the Secretary of War is hereby authorized and directed to transfer and deliver to the Secretary of Agriculture for distribution among the highway departments of the several States for use on roads constructed in whole or in part by Federal aid one thousand two hundred and fifty tractors owned by the War Department. (41 Stat. 1349.)

This was a provision of an act making appropriations for fortifications and other works of defense, etc., cited above.

The Secretary of War was authorized to transfer to the Secretary of Agriculture war material, equipment, and supplies for distribution among the States for use on roads constructed by Federal aid, by Act February 28, 1919, ch. 69, sec. 7, *ante*, sec. 504, and Act November 9, 1921, ch. 119, sec. 5, *post*, sec. 515.

The Secretary of War was further authorized and directed to transfer to the Secretary of Agriculture, for use in improvement of highways and roads, surplus motor vehicles, etc., and specified material, equipment, and supplies, for distribution among the States for use on roads constructed by Federal aid, by Act March 15, 1920, ch. 100, *ante*, secs. 506-510.

The Secretary of War was authorized to loan to any State, when so requested by its highway department, tractors for use in highway construction, by a provision of Act March 1, 1921, ch. 88, sec. 2, 41 Stat. 1155.

Sec. 511. (Act November 9, 1921, ch. 119, sec. 1.) Title of Act.

That this Act may be cited as the Federal Highway Act. (42 Stat. 212.)

This section and the twenty-four sections next following were an act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes." cited above. Provisions of said Act July 11, 1916, ch. 241, as amended by Act February 28, 1919, ch. 69, sec. 5, are set forth *ante*, secs. 494-502.

Section 23 of this act, relating to construction, etc., of roads and trails in national forests, is set forth, *post*, sec. 573b.

Sec. 512. (Act November 9, 1921, ch. 119, sec. 2.) "Federal Aid Act," "highway," "State highway department," "maintenance," "construction," "reconstruction," "forest roads," and "State funds," defined.

That, when used in this Act, unless the context indicates otherwise—

The term "Federal Aid Act" means the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended by sections 5 and 6 of an Act entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, and all other Acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this Act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department. (42 Stat. 212.)

See note to preceding section.

Sec. 513. (Act November 9, 1921, ch. 119, sec. 3.) Powers and duties of Council of National Defense relating to highways or highway transport, transferred to Secretary of Agriculture; highways in national parks or military or naval reservations to remain under control and jurisdiction of agencies dealing therewith; cooperation of Secretary of Agriculture with Department of Interior in construction of highways on Indian reservations.

All powers and duties of the Council of National Defense under the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, in relation to highway or highway transport, are hereby transferred to the Secretary of Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments, and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this Act to the State wherein the reservation is located. (42 Stat. 212.)

By provisions of Act August 29, 1916, ch. 418, sec. 2, 39 Stat. 649, referred to in this section, it was made the duty of the Council of National Defense "to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to * * * the co-ordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad * * *."

Sec. 514. (Act November 9, 1921, ch. 119, sec. 4.) Establishment of accounting division.

That the Secretary of Agriculture shall establish an accounting division which shall devise and install a proper method of keeping the accounts. (42 Stat. 213.)

Sec. 515. (Act November 9, 1921, ch. 119, sec. 5.) Transfer of surplus war material, equipment, and supplies suitable for highway improvement, to Secretary of Agriculture; distribution among State highway departments; reservation for national forests.

That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the con-

struction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this Act in the distribution of Federal-aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national forest roads or other roads constructed, reconstructed, or maintained under his direct supervision. (42 Stat. 213.)

Provisions similar to those of this section were made by Act February 28, 1919, ch. 69, sec. 7, *ante*, sec. 504.

The Secretary of War was authorized and directed to transfer to the Department of Agriculture surplus motor-propelled vehicles, motor equipment, etc., and specified surplus war material, equipment, and supplies for highway improvement under Act February 28, 1919, ch. 69, sec. 7, by Act March 15, 1920, ch. 100, *ante*, secs. 506-510.

The Secretary of War was authorized and directed to transfer and deliver to the Secretary of Agriculture certain tractors for distribution among the States for use on roads constructed by Federal aid, by Act March 3, 1921, ch. 128, sec. 1, *ante*, sec. 510a.

The Secretary of War was further authorized and directed to sell or to dispose of, by transfer to the Department of Agriculture under existing laws, for its own use and the use of the States in road work and maintenance, so many motor trucks and passenger-carrying automobiles as would, in addition to such sold or transferred since January 1, 1921, aggregate during the first nine months of the calendar year 10,000 motor trucks and 2,000 passenger-carrying automobiles by a provision of the Army appropriation act for the fiscal year 1922, Act June 30, 1921, ch. 33, sec. 1, 42 Stat. 81.

Sec. 516. (Act November 9, 1921, ch. 119, sec. 6.) Preference to projects for connected interstate highway systems, State to designate systems not exceeding 7 per centum of mileage at time of passage of act; Federal aid thereto; classification of highway; approval, etc., of systems; States to submit proposed revisions; Federal aid limited to 60 per centum until entire system provided for; additional to primary highways; approval of projects prior to designation of system; additional mileage construction when completion of 7 per centum provided for.

That in approving projects to receive Federal aid under the provisions of this Act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways, interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this Act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other, which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications

or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this Act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage. (42 Stat. 213.)

Sec. 517. (Act November 9, 1921, ch. 119, sec. 7.) State to provide funds for construction before project may be approved.

That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this Act for construction, reconstruction, and maintenance of all Federal-aid highways within the State, which funds shall be under the direct control of the State highway department. (42 Stat. 214.)

Sec. 518. (Act November 9, 1921, ch. 119, sec. 8.) Adequate construction materials required; approval of types and width of construction and reconstruction and character of improvement, etc.

That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance in each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic. (42 Stat. 214.)

Sec. 519. (Act November 9, 1921, ch. 119, sec. 9.) Freedom from tolls; width of right of way and wearing surface of primary highways.

That all highways constructed or reconstructed under the provisions of this Act shall be free from tolls of all kinds.

That all highways in the primary or interstate system constructed after the passage of this Act shall have a right of way of ample width

and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles. (42 Stat. 214.)

Sec. 520. (Act November 9, 1921, ch. 119, sec. 10.) Apportionment to State available when requirements met and upon certification from governor approved by Secretary of Agriculture.

That when any State shall have met the requirements of this Act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this Act, the sum apportioned to such State as herein provided. (42 Stat. 214.)

Sec. 521. (Act November 9, 1921, ch. 119, sec. 11.) Submission by States of proposed projects; submission of surveys, plans, etc., if project approved; notification by Secretary of Agriculture to State of approval of surveys, plans, etc., and certification to Secretary of the Treasury; share payable to be set aside; limit of 50 per centum of estimated cost; limit increased in public-land States; applicable to unused funds.

That any State having complied with the provisions of this Act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or secondary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated cost of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this Act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this Act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed \$20,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion to the increased percentage of Federal aid authorized by this section: *Provided further*, That these provisions relative to the public-land States shall apply to all unobligated or unmatched funds appropriated by the Federal Aid Act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June, 1921. (42 Stat. 214.)

Sec. 522. (Act November 9, 1921, ch. 119, sec. 12.) Construction and reconstruction and contracts, plans, etc., subject to approval of Secretary of Agriculture; work and labor to be in accordance with State laws and under supervision of State highway department, subject to inspection and approval of Secretary of Agriculture.

That the construction and reconstruction of the highways or parts of highways under the provisions of this Act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this Act. (42 Stat. 215.)

Sec. 523. (Act November 9, 1921, ch. 119, sec. 13.) Payment to State on completion of project; payments as work progresses; determination of time and amounts; method of payments.

That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this Act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State. (42 Stat. 215.)

Sec. 524. (Act August 9, 1921, ch. 119, sec. 14.) Failure of State to maintain highway; service of notice; highway to be placed in proper condition by Secretary of Agriculture on failure of State after notice; cost to be charged against State allotment; approval of other projects to be refused; reimbursement by State; amount to be paid into general Federal highway fund; further projects may be approved; authority of Secretary of Agriculture to contract for placing highway in proper condition.

That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this Act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper con-

dition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this Act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this Act provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this Act to place any highway in a proper condition of maintenance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: *Provided, however,* That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions. (42 Stat. 215.)

Sec. 525. (Act November 9, 1921, ch. 119, sec. 15.) Map of highways, etc., approved as parts of systems; annual supplementary maps.

That within two years after this Act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or inter-county systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction. (42 Stat. 216.)

Sec. 526. (Act November 9, 1921, ch. 119, sec. 16.) Consent given to railroad or canal companies for conveyance to State highway departments of rights of way, etc., acquired from United States.

That for the purpose of this Act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States. (42 Stat. 216.)

Sec. 527. (Act November 9, 1921, ch. 119, sec. 17.) Use of public lands or reservations for rights of way of highways, etc., or materials for construction; map to be filed with Secretary of proper department; appropriation and transfer to State highway department; reversion when no longer needed.

That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land

or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated. (42 Stat. 216.)

Sec. 528. (Act November 9, 1921, ch. 119, sec. 18.) Rules and regulations for carrying out act; recommendations to Congress and State highway departments.

That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this Act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon. (42 Stat. 216.)

Sec. 529. (Act November 9, 1921, ch. 119, sec. 19.) Annual detailed report to Congress; special reports.

That on or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request. (42 Stat. 216.)

Sec. 530. (Act November 9, 1921, ch. 119, sec. 20.) Appropriation for carrying out act.

That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, \$75,000,000 for the fiscal year ending June 30, 1922, \$25,000,000 of which shall become immediately available, and \$50,000,000 of which shall become available January 1, 1922. (42 Stat. 216.)

Appropriations for carrying out the provisions of Act July 11, 1916, ch. 241, were made by section 3 thereof, *ante*, sec. 496, and appropriations for carrying out the provisions of said act as amended by Act February 28, 1919, ch. 69, were made by section 6 thereof, *ante*, sec. 503.

Sec. 531. (Act November 9, 1921, ch. 119, sec. 21.) Administration expenses to be deducted from appropriations; apportionment of unexpended balances among States; manner of apportionment of appropriations among States; minimum allotment; appropriations available for two succeeding fiscal years; apportionment under former acts available for two years; reapportionment of unexpended balances.

That so much, not to exceed $2\frac{1}{2}$ per centum, of all moneys hereby or hereafter appropriated for expenditure under the provisions of

this Act, as the Secretary of Agriculture may deem necessary for administering the provisions of this Act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof, shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other amounts authorized by this Act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the Act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this Act shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further*, That any sums apportioned to any State under the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such Acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such Acts shall be reapportioned according to the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916: *And provided further*, That any amount apportioned under the provisions of this Act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this Act for the first time. (42 Stat. 217.)

Sec. 532. (Act November 9, 1921, ch. 119, sec. 22.) Certification of sum deducted for administration expenses and amounts apportioned to States.

That within sixty days after the approval of this Act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this Act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year. (42 Stat. 217.)

Sec. 533. (Act November 9, 1921, ch. 119, sec. 24, as amended by Act June 19, 1922, ch. 227, sec. 4, par. 5.) Approval of projects for State where constitution or laws do not permit use of its funds for construction, etc., of highways.

That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921, if he shall find that said State has complied with the provisions of this Act in so far as its existing constitution and laws will permit. (42 Stat. 218, 661.)

This section was amended by Act June 19, 1922, ch. 227, sec. 4, par. 5, cited above, by striking out the words "three years after the passage of this Act" and inserting in lieu thereof the words "five years after November 9, 1921."

Sec. 534. (Act November 9, 1921, ch. 119, sec. 25.) Partial invalidity of act.

That if any provision of this Act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the Act and of the application of such provision to other persons or circumstances shall not be affected thereby. (42 Stat. 219.)

Sec. 535. (Act November 9, 1921, ch. 119, sec. 26.) Inconsistent laws repealed.

That all Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect on its passage. (42 Stat. 219.)

Sec. 535a. (Act June 19, 1922, ch. 227, sec. 4, par. 1.) Appropriations; apportionment among States; approval of project deemed Federal obligation.

That for the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved June 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such Act:

The sum of \$50,000,000 for the fiscal year ending June 30, 1923.

The sum of \$65,000,000 for the fiscal year ending June 30, 1924.

The sum of \$75,000,000 for the fiscal year ending June 30, 1925.

The Secretary of Agriculture is hereby authorized, immediately upon the passage of this Act, to apportion the \$50,000,000 herein authorized to be appropriated for the fiscal year ending June 30, 1923, among the several States as provided in section 21 of the Federal Highway Act approved November 9, 1921: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. (42 Stat. 660.)

This section and the four sections next following were paragraphs of a section of the postal service appropriation act for the fiscal year 1923, cited above.

Paragraph 2 of this section, making appropriations for construction, etc., of forest roads and trails, is set forth, *post*, 573c.

Paragraph 4 of this section was amendatory of Act February 28, 1919, ch. 69, sec. 5, set forth as so amended, *ante*, sec. 502a.

Paragraph 5 of this section was amendatory of Act November 9, 1921, ch. 119, sec. 24, set forth as so amended, *ante*, sec. 533.

Previous appropriations for carrying out provisions for Federal aid to the States in the construction of rural post roads were made by Act July 11, 1916, ch. 241, sec. 3, *ante*, sec. 496; Act February 28, 1919, ch. 69, sec. 6, *ante*, sec. 503; and Act November 9, 1921, ch. 119, sec. 20, *ante*, sec. 530.

Section 21 of the Federal Highway Act, Act November 9, 1921, ch. 119, mentioned in this section, is set forth, *ante*, sec. 531.

Sec. 535b. (Act June 19, 1922, ch. 227, sec. 4, par. 3.) "Bridges" defined.

For the purposes of this section and of the Acts heretofore making appropriations to aid the States in the construction of rural post roads the term "bridges" includes railroad grade separations, whether by means of overhead or underpass crossings. (42 Stat. 660.)

See notes to preceding section.

Sec. 535c. (Act June 19, 1922, ch. 227, sec. 4, par. 6.) False statements, etc., of work or materials; punishment.

If any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation or any officer or agent of any person, association, firm, or corporation shall knowingly make any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any project submitted for approval to the Secretary of Agriculture under the provisions of the Federal Highway Act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal Highway Act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal Highway Act or Acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof,

be punished by imprisonment not to exceed five years or by a fine not to exceed \$10,000, or by both fine and imprisonment within said limits. (42 Stat. 661.)

See notes to sec. 535a, *ante*.

Sec. 535d. (Act June 19, 1922, ch. 227, sec. 4, par. 7.) Partial invalidity of provisions.

If any provision of this section, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby. (42 Stat. 661.)

See notes to sec. 535a, *ante*.

Sec. 535e. (Act June 19, 1922, ch. 227, sec. 4, par. 8.) Repeal of inconsistent laws.

All Acts or parts of Acts in any way inconsistent with the provisions of this section are hereby repealed. (42 Stat. 661.)

See notes to sec. 535a, *ante*.

CHAPTER 26.

NATIONAL FORESTS.

Sec. 536. (Act March 3, 1891, ch. 561, sec. 24.) Establishment of national forests.

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof. (26 Stat. 1103.)

This was a section of an act entitled "An act to repeal timber-culture laws, and for other purposes.

Lands set apart and reserved under the authority of this section, known as "forest reservations" and "forest reserves," were designated "national forests" by a provision of Act March 4, 1907, ch. 2907, *post*, sec. 537.

The President was authorized to revoke, modify, or suspend executive orders and proclamations designating forest reserves, by provisions of Act June 4, 1897, ch. 2, sec. 1, *post*, sec. 538; and he is further authorized to modify any executive order made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve, by said Act June 4, 1897, ch. 2, sec. 1, *post*, sec. 549.

No national forest was to be created thereafter, nor were any additions to be made to one theretofore created, within the States of California, Oregon, Washington, Idaho, Colorado, or Wyoming, except by Act of Congress, by a provision of Act June 25, 1910, ch. 421, sec. 2, as amended by Act August 24, 1912, ch. 369, *post*, sec. 550.

The President, by virtue of the power vested in him by this section, has from time to time by numerous proclamations set apart and reserved public lands as forest reserves or national forests, and modified, enlarged, diminished, or consolidated such areas. See Statutes at Large, Vols. 27 *et seq.*

The Secretary of Agriculture is to execute all laws affecting public lands reserved under this section, excepting such laws as affect the surveying, etc., entering, etc., or patenting of such lands, by Act February 1, 1905, ch. 288, sec. 1, *ante*, sec. 79.

Before the enactment of this provision certain tracts of land in the State of California had been set apart as reserved forest lands by Act October 1, 1890, ch. 1263, *post*, secs. 644-646. And said tracts and certain other lands segregated from Yosemite National Park, were set apart as reserved forest lands by Act February 7, 1905, ch. 547, *post*, secs. 647, 648, and by Res. June 11, 1906 No. 27, *post*, secs. 649-651.

Acquisition of certain lands in the State of California, to be known as Calaveras National Forest, was authorized by Act February 18, 1909, ch. 143, sec. 1, *post*, sec. 652.

Acceptance by the United States from the State of Michigan of lands owned by said State, to be reserved as national forest lands, and the selection by said State in lieu of said lands other unappropriated public lands, was authorized by Act July 31, 1912, ch. 264, *post*, secs. 666-668.

The State of Oregon was authorized to relinquish lands previously selected, and upon reconveyance to the United States said lands were to become parts of national forests, by Act March 4, 1911, ch. 273, *post*, sec. 665.

A national forest was created in the State of Minnesota, consisting of certain lands and territory previously parts of Indian reservations, by Act May 23, 1908, ch. 193, *post*, secs. 656-663.

Provisions reserving certain lands and including the same in specified national forests are set forth, *post*, secs. 669-682.

Provisions authorizing the inclusion within specified national forests, by proclamation of the President, of lands in certain areas, found chiefly valuable for timber production or stream-flow protection, are set forth, *post*, secs. 683-693a.

Provisions authorizing the exchange of lands or timber belonging to the United States for privately or State-owned lands within the limits of specified national forests, are set forth, *post*, secs. 693a-724c.

The acquisition by the United States of lands necessary to the regulation of the flow of navigable streams, and their reservation and administration as national forest lands, is provided for by Act March 1, 1911, ch. 186, *post*, secs. 624-637.

Sec. 537. (Act March 4, 1907, ch. 2907.) Forest reserves to be known as national forests.

GENERAL EXPENSES, FOREST SERVICE: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, which shall be known hereafter as national forests, * * *. (34 Stat. 1269.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above.

Sec. 538. (Act June 4, 1897, ch. 2, sec. 1.) (1) Revocation, modification, or suspension of orders or proclamations establishing national forests.

For the survey of the public lands that have been or may hereafter be designated as forest reserves by Executive proclamation, under section twenty-four of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to repeal timber-culture laws, and for other purposes," and including public lands adjacent thereto, which may be designated for survey by the Secretary of the Interior, one hundred and fifty thousand dollars, to be immediately available: *Provided*, That, to remove any doubt which may exist pertaining to the authority of the President thereunto, the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time as he shall deem best for the public interests: *Provided*, That the Executive orders and proclamations dated February twenty-second, eighteen hundred and ninety-seven, setting apart and reserving certain lands in the States of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota as forest reservations, be, and they are hereby, suspended, and the lands embraced therein restored to the public domain the same as though said orders and proclamations had not been issued: *Provided further*, That lands embraced in said reservations not otherwise disposed of before March first, eighteen hundred and ninety-eight, shall again become subject to the operations of said orders and proclamations as now existing or hereafter modified by the President. (30 Stat. 34.)

These provisions and those of the eleven paragraphs next following were part of section 1 of the sundry civil appropriation act for the fiscal year 1898, cited above.

Section 24 of Act March 3, 1891, ch. 561, mentioned in these provisions, is set forth *ante*, sec. 536. The Executive orders and proclamations, also referred to, were those of February 22, 1897, Nos. 19-31, 29 Stat. 893-912, and were issued under the authority conferred by said section 24 of Act March 3, 1891, ch. 561.

By a provision of Act June 25, 1910, ch. 421, sec. 2, as amended by Act August 24, 1912, ch. 369, *post*, sec. 550, no national forest was to be created thereafter, nor were any additions to be made to one theretofore created, within the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

Lands set apart and reserved under the authority of section 24 of Act March 3, 1891, ch. 561, and referred to as "forest reservations" and "forest reserves" were designated "national forests," by Act March 4, 1907, ch. 2907, *ante*, sec. 537.

The Secretary of Agriculture is to execute, or cause to be executed, all laws affecting public lands reserved under section 24 of Act March 3, 1891, ch. 561, after such lands have been so reserved, except such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, or patenting of any such lands, by Act February 1, 1905, ch. 288, sec. 1, *ante*, sec. 79.

Sec. 539. (Act June 4, 1897, ch. 2, sec. 1.) Surveys; plats and field notes; maps.

The surveys herein provided for shall be made, under the supervision of the Director of the Geological Survey, by such person or persons as may be employed by or under him for that purpose, and shall be executed under instructions issued by the Secretary of the Interior; and if subdivision surveys shall be found to be necessary, they shall be executed under the rectangular system, as now provided by law. The plats and field notes prepared shall be approved and certified to by the Director of the Geological Survey, and two copies of the field notes shall be returned, one for the files in the United States surveyor-general's office of the State in which the reserve is situated, the other in the General Land Office; and twenty photolithographic copies of the plats shall be returned, one copy for the files in the United States surveyor-general's office of the State in which the reserve is situated; the original plat and the other copies shall be filed in the General Land Office, and shall have the facsimile signature of the Director of the Survey attached.

Such surveys, field notes, and plats thus returned shall have the same legal force and effect as heretofore given the surveys, field notes, and plats returned through the surveyors general; and such surveys, which include subdivision surveys under the rectangular system, shall be approved by the Commissioner of the General Land Office as in other cases, and properly certified copies thereof shall be filed in the respective land offices of the districts in which such lands are situated, as in other cases. All laws inconsistent with the provisions hereof are hereby declared inoperative as respects such survey: *Provided, however,* That a copy of every topographic map and other maps showing the distribution of the forests, together with such field notes as may be taken relating thereto, shall be certified thereto by the Director of the Survey and filed in the General Land Office. (30 Stat. 34.)

See notes to the preceding paragraph of this section, *ante*, sec. 538.

Sec. 540. (Act June 4, 1897, ch. 2, sec. 1.) Purposes for which forest reserves may be established and administered.

All public lands heretofore designated and reserved by the President of the United States under the provisions of the Act approved

March third, eighteen hundred and ninety-one, the orders for which shall be and remain in full force and effect, unsuspended and unrevoked, and all public lands that may hereafter be set aside and reserved as public forest reserves under said Act, shall be as far as practicable controlled and administered in accordance with the following provisions:

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the Act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes. (30 Stat. 34.)

See notes to the first paragraph of this section, *ante*, sec. 538.

The provisions of Act March 3, 1891, ch. 561, referred to in this provision, were contained in section 24, thereof, set forth, *ante*, sec. 537.

Sec. 541. (Act June 4, 1897, ch. 2, sec. 1.) Protection of forest reserves; rules and regulations therefor; punishment for violations.

The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said Act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished as is provided for in the Act of June fourth, eighteen hundred and eighty-eight, amending section fifty-three hundred and eighty-eight of the Revised Statutes of the United States. (30 Stat. 35.)

See notes to the first paragraph of this section, *ante*, sec. 538.

Act March 3, 1891, ch. 561, sec. 24, referred to in this provision, is set forth, *ante*, sec. 536.

Act June 4, 1888, ch. 340, amending R. S. Sec. 5388, mentioned in this provision, was incorporated in Act March 4, 1909, ch. 321, sec. 50, *post*, sec. 613, and was repealed by section 341 of said Act March 4, 1909.

Instead of the Secretary of the Interior, who was authorized by the provisions of this paragraph to protect, preserve, and regulate the use of the national forests set aside under Act March 3, 1891, ch. 561, sec. 24, *ante*, sec. 536, the Secretary of Agriculture is to execute all such laws affecting lands reserved under said Act March 3, 1891, and acts supplemental to and amendatory thereof, by Act February 1, 1905, ch. 288, sec. 1, *ante*, sec. 79.

Sec. 542. (Act June 4, 1897, ch. 2, sec. 1, as amended by Act June 6, 1900, ch. 804.) Sale of timber.

For the purpose of preserving the living and growing timber and promoting the younger growth on forest reservations, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such forest reservations as may be compatible with the utilization of the forests thereon, and may sell the same for not less than the appraised value in such quantities to each purchaser as he shall prescribe, to be used in the

State or Territory in which such timber reservation may be situated, respectively, but not for export therefrom. Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists: *Provided, however*, That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further*, That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cord wood not exceeding in value one hundred dollars stumpage: *And provided further*, That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of the Interior, at not less than the appraised valuation, in quantities to suit purchasers: *And provided further*, That the provisions of this Act shall not apply to existing forest reservations in the State of California, or to reservations that may be hereafter created within said State; payments for such timber to be made to the receiver of the local land office of the district wherein said timber may be sold, under such rules and regulations as the Secretary of the Interior may prescribe; and the moneys arising therefrom shall be accounted for by the receiver of such land office to the Commissioner of the General Land Office, in a separate account, and shall be covered into the Treasury. Such timber before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of the Interior, not interested in the purchase or removal of such timber nor in the employment of the purchaser thereof. Such supervisor shall make report in writing to the Commissioner of the General Land Office and to the receiver in the land office in which such reservation shall be located of his doings in the premises. (30 Stat. 35, 31 Stat. 661.)

This paragraph was amended by Act June 6, 1900, ch. 804, cited above, by striking out the following paragraph: "Before such sale shall take place, notice thereof shall be given by the Commissioner of the General Land Office, for less than sixty days, by publication in a newspaper of general circulation, published in the county in which the timber is situated, if any is therein published, and if not, then in a newspaper of general circulation published in a reservation, and also in a newspaper of general circulation in the capital of the State or Territory where such reservation exists," and by inserting in lieu thereof the paragraph beginning with the words, "Before such sale shall take place," and ending with the words, "or to reservations that may be hereafter created within said State," to read as set forth here.

See notes to the first paragraph of this section, *ante*, sec. 538.

Sec. 543. (Act June 4, 1897, ch. 2, sec. 1.) Use of timber and stone by settlers, etc.

The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents,

and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located. (30 Stat. 35.)

See notes to the first paragraph of this section, *ante*, sec. 538.

The Secretary of Agriculture was similarly authorized to sell at actual cost to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, and the authority of the Secretary of Agriculture as provided by this section is not restricted, by a provision of Act August 10, 1912, ch. 284, *post*, sec. 552.

The use of earth, stone, and timber from the national forests in the construction of works under the National Irrigation Law, Act June 17, 1902, ch. 1093, 32 Stat. 388, was authorized by Act February 8, 1905, ch. 552, *post*, sec. 554.

Sec. 544. (Act June 4, 1897, ch. 2, sec. 1.) Egress or ingress of actual settlers; development of mineral resources.

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to and from their property or homes; and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereof: *Provided*, That such persons comply with the rules and regulations covering such forest reservations. (30 Stat. 36.)

See notes to the first paragraph of this section, *ante*, sec. 538.

The provisions of this paragraph of the act were next followed by provisions, omitted here, that in cases in which a tract of land covered by an unperfected bona fide claim, or by a patent, was included within the limits of a public forest, the settler or owner might relinquish the tract to the Government and select in lieu thereof a tract of vacant land open to settlement not exceeding in area the tract covered by his claim or patent. Such selections were confined to vacant surveyed non-mineral public lands which were subject to homestead entry, by Act June 6, 1900, ch. 791, sec. 1, 31 Stat. 614, and Act March 3, 1901, ch. 831, sec. 1, 31 Stat. 1037. All these provisions for the relinquishment, selection, and patenting of such lieu lands were repealed, with a saving of selections theretofore made, by Act March 3, 1905, ch. 1495, 33 Stat. 1264.

Sec. 545. (Act June 4, 1897, ch. 2, sec. 1.) Sites for schools and churches.

The settlers residing within the exterior boundaries of such forest reservations, or in the vicinity thereof, may maintain schools and churches within such reservation, and for that purpose may occupy any part of the said forest reservation, not exceeding two acres for each schoolhouse and one acre for a church. (30 Stat. 36.)

See notes to the first paragraph of this section, *ante*, sec. 538.

Sec. 546. (Act June 4, 1897, ch. 2, sec. 1.) Civil and criminal jurisdiction.

The jurisdiction, both civil and criminal, over persons within such reservations shall not be affected or changed by reason of the existence of such reservations, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such reserva-

tion is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State. (30 Stat. 36.)

See notes to the first paragraph of this section, *ante*, sec. 538.

Similar provisions, applicable to lands acquired under Act March 1, 1911, ch. 186, were made by section 12 of said act, *post*, sec. 635.

Sec. 547. (Act June 4, 1897, ch. 2, sec. 1.) Use of waters.

All waters on such reservations may be used for domestic, mining, milling, or irrigation purposes, under the laws of the State wherein such forest reservations are situated, or under the laws of the United States and the rules and regulations established thereunder. (30 Stat. 36.)

See notes to the first paragraph of this section, *ante*, sec. 538.

Sec. 548. (Act June 4, 1897, ch. 2, sec. 1.) Mineral lands; restoration to public domain; location and entry.

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any forest reservation is situated, and near the said reservation, any public lands embraced within the limits of any forest reservation which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage, may be restored to the public domain. And any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained. (30 Stat. 36.)

See notes to the first paragraph of this section, *ante*, sec. 538.

Sec. 549. (Act June 4, 1897, ch. 2, sec. 2.) Modification or vacation of Executive orders; revocation of area or change of boundaries.

The President is hereby authorized at any time to modify any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve. (30 Stat. 36.)

See notes to the first paragraph of this section, *ante*, sec. 538.

Sec. 550. (Act June 25, 1910, ch. 421, sec. 2, as amended by Act August 24, 1912, ch. 369.) Creation of or additions to national forests in California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming forbidden except by act of Congress.

That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress. (36 Stat. 848, 37 Stat. 497.)

This was a proviso annexed to section 2 of Act June 25, 1910, ch. 421, entitled "An act to authorize the President of the United States to make

withdrawals of public lands in certain cases," cited above, as amended by Act August 24, 1912, ch. 369, also cited above. The amendment added "California" to the names of the States enumerated. A proviso in language identical with that in said Act June 25, 1910, ch. 421, sec. 2, and also without the word "California," accompanied an appropriation for the administration, etc., of the national forests, in the agricultural appropriation act for the fiscal year 1908, Act March 4, 1907, ch. 2907, 34 Stat. 1271.

Sec. 551. (Act March 3, 1899, ch. 424, sec. 1.) Establishment of exterior boundaries of national forests.

That hereafter all standard, meander, township, and section lines of the public land surveys shall, as heretofore, be established under the direction and supervision of the Commissioner of the General Land Office, whether the lands to be surveyed are within or without reservations, except that where the exterior boundaries of public forest reservations are required to be coincident with standard, township, or section lines such boundaries may, if not previously established in the ordinary course of the public land surveys, be established and marked under the supervision of the Director of the United States Geological Survey whenever necessary to complete the survey of such exterior boundaries. (30 Stat. 1097.)

This was a provision of the sundry civil appropriation act for the fiscal year 1900, cited above.

The surveys of the forest reserves were to be made under the supervision of the Director of the Geological Survey, by Act June 4, 1897, ch. 2, sec. 1 (2), *ante*, sec. 539.

The "forest reservations," referred to in this section, are otherwise known as "forest reserves." By a provision of Act March 4, 1907, ch. 2907, *ante*, sec. 537, forest reserves have since been known as "national forests."

Sec. 552. (Act August 10, 1912, ch. 284.) Sale of mature, dead, and down timber to settlers for domestic use.

That the Secretary of Agriculture, under such rules and regulations as he shall establish, is hereby authorized and directed to sell at actual cost, to homestead settlers and farmers, for their domestic use, the mature, dead, and down timber in national forests, but it is not the intent of this provision to restrict the authority of the Secretary of Agriculture to permit the free use of timber as provided in the Act of June fourth, eighteen hundred and ninety-seven. (37 Stat. 287.)

This was a provision of the agricultural appropriation act for the fiscal year 1913, cited above.

The provision for the use of timber by settlers, made in act June 4, 1897, ch. 2, sec. 1 (6), referred to in this provision, are set forth *ante*, sec. 543.

Sec. 553. (Act August 11, 1916, ch. 313.) Deposits from timber purchasers to defray cost of disposing of débris.

That hereafter deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost. (39 Stat. 462.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1917, cited above.

Sec. 554. (Act February 3, 1905, ch. 522.) Use of earth, stone, and timber from public lands and forest reserves for construction of irrigation works.

That in carrying out the provisions of the national irrigation law, approved June seventeenth, nineteen hundred and two, and in constructing works thereunder, the Secretary of the Interior is hereby authorized to use and to permit the use by those engaged in the construction of works under said law, under rules and regulations to be prescribed by him, such earth, stone, and timber from the public lands of the United States as may be required in the construction of such works, and the Secretary of Agriculture is hereby authorized to permit the use of earth, stone, and timber from the forest reserves of the United States for the same purpose, under rules and regulations to be prescribed by him. (33 Stat. 706.)

This was an act entitled "An act authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law," cited above.

The act referred to herein is the Reclamation Act of June 17, 1902, ch. 1093, 32 Stat. 388.

Sec. 555. (Act March 4, 1913, ch. 145.) Free use of timber for telephone lines necessary for fire protection.

That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines. (37 Stat. 843.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

Sec. 556. (Act February 26, 1923, ch. 119.) Export of timber and other forest products from national forests.

The Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are respectively situated. (42 Stat. 1302.)

This was a provision of the agricultural appropriation act for the fiscal year 1924, cited above. Similar provisions were contained in the similar acts for the eighteen preceding fiscal years.

Sec. 557. (Act February 1, 1905, ch. 283, sec. 2.) Export of pulp wood or wood pulp from Alaska.

That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom. (33 Stat. 628.)

This was a section of an act entitled "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," cited above.

The other sections of this act are set forth as follows: Section 1, *ante*, sec. 79; section 3, *post*, sec. 578; section 4, *post*, sec. 843; section 5, *post*, sec. 565.

The District of Alaska was organized as a Territory by Act August 24, 1912, ch. 387, 37 Stat. 512.

The Secretary of Agriculture may permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are situated, by provisions in the annual agricultural appropriation acts. The provision in the act for the fiscal year 1924, Act February 26, 1923, ch. 119, is set forth, *ante*, sec. 556.

Sec. 558. (Act March 4, 1915, ch. 144.) Taking earth, stone, and timber from national forests for use of Navy and for Government railways, etc., in Alaska; reports.

That hereafter the Secretary of Agriculture, under regulations to be prescribed by him, is hereby authorized to permit the Navy Department to take from the national forests such earth, stone, and timber for the use of the Navy as may be compatible with the administration of the national forests for the purposes for which they are established, and also in the same manner to permit the taking of earth, stone, and timber from the national forests for the construction of Government railways and other Government works in Alaska: *Provided*, That the Secretary of Agriculture shall submit with his annual estimates a report of the quantity and market value of earth, stone, and timber furnished as herein provided. (38 Stat. 1100.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1916, cited above.

Sec. 559. (Act February 26, 1923, ch. 119.) Young trees from Nebraska National Forest for homestead settlers on arid lands.

That from the nurseries on the Nebraska National Forest the Secretary of Agriculture, under such rules and regulations as he may prescribe, may furnish young trees free, so far as they may be spared, to residents of the territory covered by "An Act increasing the area of homesteads in a portion of Nebraska," approved April 28, 1904. (42 Stat. 1304.)

This was a provision of the agricultural appropriation act for the fiscal year 1924, cited above. Provisions in the same language were contained in the similar appropriation acts for the twelve preceding fiscal years.

Act April 28, 1904, ch. 1801, 33 Stat. 547, referred to in this provision, related to homestead entries on certain arid lands in the State of Nebraska.

Sec. 560. (Act February 28, 1899, ch. 221, sec. 1.) Leases of ground in forest reserves for sanitariums or hotels.

That the Secretary of the Interior be, and hereby is, authorized, under such rules and regulations as he from time to time may make, to rent or lease to responsible persons or corporations applying therefor suitable spaces and portions of ground near, or adjacent to, mineral, medicinal, or other springs, within any forest reserves established within the United States, or hereafter to be established, and where the public is accustomed or desires to frequent, for health or pleasure, for the purpose of erecting upon such leased ground sanitariums or hotels, to be opened for the reception of the public. And he is further authorized to make such regulations, for the convenience of people visiting such springs, with reference to spaces and locations, for the erection of tents or temporary dwelling houses to be erected or constructed for the use of those visiting such springs for health or pleasure. And the Secretary of the Interior is authorized to prescribe the terms and duration and the compensation to be paid for the privileges granted under the provisions of this Act. (30 Stat. 908.)

This section and the section next following were an act entitled "An act to authorize the Secretary of the Interior to rent or lease certain portions of forest reserves," cited above.

The Secretary of Agriculture shall execute all laws affecting national forests, except such laws as affect the surveying, entering, etc., or patenting, etc., of any such lands, by Act February 1, 1905, ch. 288, sec. 1, *ante*, sec. 79.

A further provision authorizing the Secretary of Agriculture to permit the use and occupancy of ground in national forests for summer homes, hotels, etc., for periods not exceeding thirty years, by Act March 4, 1915, ch. 144, is set forth, *post*, sec. 562.

Sec. 561. (Act February 28, 1899, ch. 221, sec. 2.) Disposition of funds from privileges granted under act.

All funds arising from the privileges granted hereunder shall be covered into the Treasury of the United States as a special fund, to be expended in the care of public forest reservations. (30 Stat. 908.)

See notes to preceding section.

All money received by or on account of the forest service from any source of national forest revenue was required to be covered into the Treasury as a miscellaneous receipt, by Act March 4, 1907, ch. 2907, *post*, sec. 568.

Sec. 562. (Act March 4, 1915, ch. 144.) Use and occupation of space in national forests for summer homes, hotels, stores, etc.

That hereafter the Secretary of Agriculture may, upon such terms as he may deem proper, for periods not exceeding thirty years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding five acres to any one person or association, but this shall not be construed to interfere with the right to enter homesteads upon agricultural lands in national forests as now provided by law. (38 Stat. 1101.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1916, cited above.

Provisions authorizing the renting or leasing of ground within national forests for the erection of sanitariums or hotels, were made by Act February 28, 1899, ch. 221, sec. 1, *ante*, sec. 560.

Sec. 563. (Act February 25, 1919, ch. 19.) Sale authorized of lands in Madison National Forest to Oregon Short Line Railroad Company for hotel purposes.

That the Secretary of the Interior be, and hereby is, authorized to sell and convey to Oregon Short Line Railroad Company, a corporation organized under the laws of the State of Utah and authorized to do business in the State of Montana, its successors and assigns, for hotel and other purposes, and at a price to be fixed by appraisement at not less than \$25 per acre, and under such terms, conditions, and regulations as the Secretary of the Interior may prescribe, the following described lands, situated in Gallatin County, Montana: Lot three and the northeast quarter of the southwest quarter of section thirty-four, in township thirteen south, of range five east, Montana principal meridian, including the area at present covered by the right of way for the wye tracks of said Oregon Short Line Railroad Company; also all that portion of the southeast quarter of the northwest quarter of said section thirty-four lying south of the right of way and station grounds of said company, the entire tract above described consisting of eighty-eight and two one-hundredths acres; the right of way and station grounds of said Oregon Short Line Railroad Company and the right of way for the wye tracks of said company being designated in the filing map of the Yellowstone Park Railroad Company filed with the Secretary of the Interior, the land described being within the boundaries of the Madison National Forest: *Provided, however,* That any hotel erected

on said lands shall be operated by the said Oregon Short Line Railroad Company, or its successors in interest, under such rules and regulations as the Secretary of the Interior may prescribe for the conduct and operation of hotels within the Yellowstone National Park. (40 Stat. 1152.)

This was an act entitled "An act to authorize the sale of certain lands at or near Yellowstone, Montana, for hotel and other purposes," cited above.

Sec. 564. (Act May 30, 1910, ch. 261.) Lands in Coconino National Forest granted to Percival Lowell for observatory purposes; reservation for abandonment or nonuse; timber rights reserved.

That there be, and hereby is, granted to Percival Lowell, his heirs and assigns, section numbered seventeen, in township numbered twenty-one north of range seven east of the Gila and Salt River base and meridian, the said tract of land being within the Coconino National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory: *Provided*, That in the event of the removal or abandonment of the said observatory or the use of said land by the grantee for other than observatory purposes the said land shall revert to the United States: *Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States. (36 Stat. 452.)

This was an act entitled "An act granting certain lands in the Coconino National Forest, in Arizona, for observatory purposes," cited above.

Sec. 565. (Act February 1, 1905, ch. 298, sec. 5.) Disposition of money received from sale of products or use of land or resources of national forests.

That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States and for a period of five years from the passage of this Act shall constitute a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves. (33 Stat. 628.)

This was a section of an act entitled "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," cited above.

The other sections of this act are set forth as follows: Section 1, *ante*, sec. 79; section 2, *ante*, sec. 557; section 3, *post*, sec. 578; section 4, *post*, sec. 843.

The disposition of the special fund provided for by this section for a period of five years was continued until otherwise provided, and the expenditure thereof was regulated, by provisions of Act June 30, 1906, ch. 3913, 34 Stat. 684; but all these provisions were superseded by provisions of Act March 4, 1907, ch. 2907, *post*, sec. 568.

Sec. 566. (Act June 30, 1906, ch. 3913.) Special fund from money received from sale of products or use of land or resources of national forests; estimates of expenditures to be submitted in annual Book of Estimates.

That the forest-reserve special fund provided for in section five of the Act approved February first, nineteen hundred and five, entitled "An Act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," shall

continue until otherwise provided by law; but after June thirtieth, nineteen hundred and eight, it shall not be expended except in accordance with specific estimates of expenditures to be made from said fund for the succeeding fiscal year, to be submitted by the Secretary of Agriculture with the estimates of appropriation in the annual Book of Estimates. (34 Stat. 684.)

These were provisions of the agricultural appropriation act for the fiscal year 1907, cited above.

Act February 1, 1905, ch. 288, sec. 5, mentioned in this paragraph, which provided for the special fund referred to therein for a period of five years, is set forth, *ante*, sec. 565.

Provisions for the disposition of all money received, after July 1, 1907, by or on account of the forest service for timber, or from any source of national forest revenue, were made by Act March 4, 1907, ch. 2907, *post*, sec. 568.

The method of submitting to Congress the estimates of expenditures of the Government was changed, and instead of submission of the annual departmental estimates to the Secretary of the Treasury and their inclusion by him and transmission to Congress in the annual Book of Estimates, they are to be submitted to the Bureau of the Budget and by its included in the Budget which is to be prepared by said bureau for the President and by him to be transmitted to Congress, by provisions of Act June 10, 1921, ch. 18 *post*, secs. 1139-1150.

Sec. 567. (Act June 30, 1906, ch. 3913.) Sales of timber on national forests in California to conform to law governing such sales in other States.

Hereafter sales of timber on forest reserves in the State of California shall in every respect conform to the law governing such sales in other States, as set forth in the Act of June sixth, nineteen hundred (Thirty-first Statutes at Large, page six hundred and sixty-one). (34 Stat. 684.)

This was a further provision of the agricultural appropriation act for the fiscal year 1907, cited above.

Act June 6, 1900, ch. 804, 31 Stat. 661, mentioned in this provision expressly amended Act June 4, 1897, ch. 2, sec. 1, and the amendment made thereby is incorporated into the provision of said Act June 4, 1897, amended, which is set forth as amended, *ante*, sec. 542. See note to said section. By a proviso annexed to said amendment, the provisions of the act were not to apply to forest reservations in the State of California.

Sec. 568. (Act March 4, 1907, ch. 2907.) Disposal of money received by or on account of forest service; refunds to depositors of excess deposited.

That all money received after July first, nineteen hundred and seven, by or on account of the forest service for timber, or from any other source of forest reservation revenue, shall be covered into the Treasury of the United States as a miscellaneous receipt and there is hereby appropriated and made available as the Secretary of Agriculture may direct out of any funds in the Treasury not otherwise appropriated, so much as may be necessary to make refunds to depositors of money heretofore or hereafter deposited by them to secure the purchase price on the sale of any products or for the use of any land or resources of the national forests in excess of amounts found actually due from them to the United States. (34 Stat. 1270.)

This was a provision of the agricultural appropriation act for the fiscal year 1908, cited above.

The provision for refunds of moneys deposited was amended to include refunds of sums found erroneously collected for the use of lands, or for timber or other resources sold from lands located within, but not a part of,

the national forests, or for alleged illegal acts done upon such lands and found to have been proper and legal, by Act March 4, 1911, ch. 238, *post*, sec. 569.

This provision superseded the provision for the disposition of a special fund, provided for by Act February 1, 1905, ch. 288, sec. 5, *ante*, sec. 565, and by provisions of Act June 30, 1906, ch. 3913, *ante*, sec. 566. It also superseded the further provision of said Act June 30, 1906, ch. 3913, 34 Stat. 684, which reads as follows:

"Hereafter all moneys received as deposits to secure the purchase price on the sale of any products or the use of any land or resources of the forest reserves shall be covered into the Treasury in the manner provided by section five of the Act of Congress approved February first, nineteen hundred and five, entitled 'An Act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture,' and the fund created by that Act shall be available, as the Secretary of Agriculture may direct, to make refunds to depositors of money heretofore or hereafter deposited by them in excess of amounts actually due to the United States."

Deposits received from timber purchasers to cover the cost of disposing of brush and other debris resulting from operations in sales of national forest timber, are to be covered into the Treasury and to constitute a special fund which is appropriated and made available as the Secretary of Agriculture may direct to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost, by a provision of Act August 11, 1916, ch. 313, *ante*, sec. 553.

Sec. 569. (Act March 4, 1911, ch. 238.) Refund of moneys erroneously collected for use, etc., of lands within but not part of national forests; report of amounts.

That so much of an Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight," approved March fourth, nineteen hundred and seven (Thirty-fourth Statutes at Large, pages twelve hundred and fifty-six and twelve hundred and seventy), which provides for refunds by the Secretary of Agriculture to depositors of moneys to secure the purchase price of timber or the use of lands or resources of the national forests such sums as may be found to be in excess of the amounts found actually due the United States, be, and is hereby, amended hereafter to appropriate and to include so much as may be necessary to refund or pay over to the rightful claimants such sums as may be found by the Secretary of Agriculture to have been erroneously collected for the use of any lands, or for timber or other resources sold from lands located within, but not a part of, the national forests, or for alleged illegal acts done upon such lands, which acts are subsequently found to have been proper and legal; and the Secretary of Agriculture shall make annual report to Congress of the amounts refunded hereunder. (36 Stat. 1253.)

These were provisions of the agricultural appropriation act for the fiscal year 1912, cited above.

The provision of Act March 4, 1907, ch. 2907, mentioned in and amended by this provision, is set forth, *ante*, sec. 568.

Sec. 570. (Act June 30, 1914, ch. 131.) Disposal of moneys received as contributions toward cooperative forest investigations, etc.; refund to contributors of excess paid by them; report of moneys so received.

That hereafter all moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and

made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations, protection, or improvements by the Forest Service, and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations, protection, or improvements: *Provided*, That annual report shall be made to Congress of all such moneys so received as contributions for such cooperative work. (38 Stat. 430.)

This was a provision of the agricultural appropriation act for the fiscal year 1915, cited above.

This section superseded a similar provision in the agricultural appropriation act for the fiscal year 1907, Act. June 30, 1906, ch. 3913, 34 Stat. 684, which read as follows:

"Hereafter all moneys received as contributions toward cooperative work in forest investigations shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of the expenses of said investigations by the Forest Service and for refunds to the contributors of amounts heretofore or hereafter paid in by them in excess of their share of the cost of said investigations."

Sec. 571. (Act May 23, 1908, ch. 192.) Payment of part of money received from each forest reserve to State or Territory for public schools and public roads.

That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein. (35 Stat. 260.)

This was a provision of the agricultural appropriation act for the fiscal year 1909, cited above. Previous provisions for the same purposes, made in the agricultural appropriation acts for the fiscal years 1907 and 1908, Act June 30, 1906, ch. 3913, 34 Stat. 684, and Act March 4, 1907, ch. 2907, 34 Stat. 1270, read as follows:

"That ten per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and six, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided further*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than forty per centum of the total income of such county from all other sources."

Provisions for the use of an additional ten per centum of the moneys received from the national forests for the construction and maintenance of roads and trails therein were made by Act March 4, 1913, ch. 145, *post*, sec. 572.

Similar provisions, applicable to national forests on lands acquired under Act March 1, 1911, ch. 186, but with a final proviso limiting the amount that may be paid to any State for any county to forty per centum of the total income of such county from all other sources, were made by section 13 of said act as amended by Act June 30, 1915, ch. 131, *post*, sec. 636.

Provisions for payment to the States of New Mexico and Arizona, as income of their common-school funds, such proportion of the gross proceeds of all national forests within said States as the area of lands granted thereto for school purposes and within such national forests may bear to the total area of all national forests within such States, were made by Act June 20, 1910, ch. 310, ss. 6, 24, *post*, secs. 576, 577.

Sec. 572. (Act March 4, 1913, ch. 145.) Additional expenditures from receipts for construction and maintenance of roads and trails; cooperation with State or Territorial authorities.

That hereafter an additional ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. (37 Stat. 843.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

A similar provision, but without the word "hereafter" and applicable only to money's received during the fiscal year 1912, was contained in the similar act for the preceding fiscal year.

See Act May 23, 1908, ch. 192, and notes thereto, *ante*, sec. 571.

Sec. 573. (Act July 11, 1916, ch. 241, Sec. 8.) Appropriation for construction, etc., of roads and trails in national forests; mode and manner of expenditure.

That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of \$1,000,000 for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and each fiscal year thereafter, up to and including the fiscal year ending June thirtieth, nineteen hundred and twenty-six, in all \$10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed ten per centum of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States

within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest ten per centum thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest. (39 Stat. 358.)

This was a section of an act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," cited above.

Further appropriations for construction, etc., of national forest roads and trails were made in Act February 28, 1919, ch. 69, sec. 8, *post*, sec. 573a; Act November 9, 1921, ch. 119, sec. 23, *post*, sec. 573b; and Act June 19, 1922, ch. 227, sec. 4, par. 2, *post*, sec. 573c.

Sec. 573a. (Act February 28, 1919, ch. 69, sec. 8.) Appropriations for construction, etc., of roads and trails in national forests; mode and manner of expenditure.

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1919, the sum of \$3,000,000, for the fiscal year ending June 30, 1920, the sum of \$3,000,000, and for the fiscal year ending June 30, 1921, the sum of \$3,000,000, available until expended by the Secretary of Agriculture in cooperation with the proper officials of the State, Territory, insular possession, or county, in the survey, construction, and maintenance of roads and trails within or partly within the national forests, when necessary for the use and development of resources of the same or desirable for the proper administration, protection, and improvement of any such forest. Out of the sum so appropriated the Secretary of Agriculture may, without the cooperation of such officials, survey, construct, and maintain any road or trail within a national forest which he finds necessary for the proper administration, protection, and improvement of such forest, or which in his opinion is of national importance. In the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines.

The Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder. (40 Stat. 1201.)

This was a section of the Post Office Department appropriation act for the fiscal year 1920, cited above.

Previous appropriations for construction, etc., of roads and trails within or partly within the national forests were made in Act July 11, 1916, ch. 241, sec. 8, *ante*, sec. 573, and further provisions for such purposes were made by Act November 9, 1921, ch. 119, sec. 22, *post*, sec. 573b, and Act June 19, 1922, ch. 227, sec. 4, par. 4, *post*, sec. 573c.

Sec. 573b. (Act November 9, 1921, ch. 119, sec. 23.) Appropriations for construction, etc., of roads and trails in national forests; mode and manner of expenditure.

That out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of \$5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and \$10,000,000 for the fiscal year ending June 30, 1923, available until expended.

(a) Fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made

for expenditure under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provisions of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work. (42 Stat. 218.)

Previous provisions for construction, etc., of national forest roads and trails were made in Act July 11, 1916, ch. 241, sec. 8, *ante*, sec. 573; Act February 28, 1919, ch. 69, sec. 8, *ante*, sec. 573a; and further appropriations for carrying out the provisions of this section were made by Act June 19, 1922, ch. 227, sec. 4, par. 4, *post*, sec. 573c.

Sec. 573c. (Act June 19, 1922, ch. 227, sec. 4, par. 2.) Appropriations for construction, etc., of roads and trails in national forests; mode and manner of expenditure.

For the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended, in accordance with the provisions of said section 23:

The sum of \$6,500,000 for the fiscal year ending June 30, 1924.

The sum of \$6,500,000 for the fiscal year ending June 30, 1925. (42 Stat. 660.)

This was a paragraph of the Post Office Department appropriation act for the fiscal year 1923, cited above.

Section 23 of Act November 9, 1921, ch. 119, mentioned in this section, is set forth, *ante*, sec. 573b. Previous appropriations for construction, etc., of national forest roads and trails were made by Act February 28, 1919, ch. 69, sec. 8, *ante*, sec. 573a; and Act July 11, 1916, ch. 241, sec. 8, *ante*, sec. 573.

Sec. 574. (Act March 15, 1920, ch. 100, sec. 3.) Transfer of surplus telephone supplies pertaining to Military Establishment to Department of Agriculture for use of Forest Service.

That the Secretary of War is also hereby authorized and directed to transfer to the Department of Agriculture, for the use of the Forest Service, such telephone supplies pertaining to the Military Establishment which have been found to be surplus and no longer required for military purposes and are needed for the present use of the said service. (41 Stat. 531.)

This was a section of an act authorizing the Secretary of War to transfer surplus war material, equipment, and supplies to other Government services and departments.

Sections 1, 2, and 4-6 of this act, relating to the transfer to the Department of Agriculture of surplus motor vehicles, etc., and certain material, equipment, and supplies pertaining to the Military Establishment, for use in road construction are set forth, *ante*, sec. 506-510.

Sec. 575. (Act March 4, 1913, ch. 145.) Reimbursement to owners of horses, vehicles, etc., damaged or destroyed while fire fighting, trail building, etc.

That hereafter the Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment is properly chargeable. (37 Stat. 843.)

This was a provision of the agricultural appropriation act for the fiscal year 1914, cited above.

Sec. 576. (Act June 20, 1910, ch. 310, sec. 6.) Grants of sections within national forests in State of New Mexico to State for school purposes not to vest until the part of such national forests embracing such sections is restored to public domain; granted sections to be administered as national forests; payment of proportion of proceeds of national forests to State for school purposes.

That in addition to sections sixteen and thirty-six, heretofore granted to the Territory of New Mexico, sections two and thirty-two in every township in said proposed State not otherwise appropriated

at the date of the passage of this Act are hereby granted to the said State for the support of common schools; and where sections two, sixteen, thirty-two, and thirty-six, or any parts thereof, are mineral, or have been sold, reserved, or otherwise appropriated or reserved by or under the authority of any Act of Congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead, or improvement thereof with a view to desert-land entry has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes are hereby made applicable thereto and to the selection of lands in lieu thereof to the same extent as if sections two and thirty-two, as well as sections sixteen and thirty-six, were mentioned therein: *Provided, however,* That the area of such indemnity selections on account of any fractional township shall not in any event exceed an area which, when added to the area of the above-named sections returned by the survey as in place, will equal four sections for fractional townships containing seventeen thousand two hundred and eighty acres or more, three sections for such townships containing eleven thousand five hundred and twenty acres or more, two sections for such townships containing five thousand seven hundred and sixty acres or more, nor one section for such township containing six hundred and forty acres or more: *And provided further,* That the grants of sections two, sixteen, thirty-two, and thirty-six to said State, within national forests now existing or proclaimed, shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain; but said granted sections shall be administered as a part of said forests, and at the close of each fiscal year there shall be paid by the Secretary of the Treasury to the State, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within said State as the area of lands hereby granted to said State for school purposes which are situate within said forest reserves, whether surveyed or unsurveyed, and for which no indemnity has been selected, may bear to the total area of all the national forests within said State, the area of said sections when unsurveyed to be determined by the Secretary of the Interior, by protraction or otherwise, the amount necessary for such payments being appropriated and made available annually from any money in the Treasury not otherwise appropriated. (36 Stat. 561.)

This section and the section next following were provisions of an act entitled "An act to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States," cited above.

Sec. 577. (Act June 20, 1910, ch. 310, sec. 24.) Grants of sections of land within national forests in State of Arizona to State for school purposes not to vest until the part of such national forests embracing such sections is restored to public domain; granted sections to be administered as national forests; payment of proportion of proceeds of national forests to State for school purposes.

That in addition to sections sixteen and thirty-six, heretofore reserved for the Territory of Arizona, sections two and thirty-two in every township in said proposed State not otherwise appropriated

at the date of the passage of this Act are hereby granted to the said State for the support of common schools; and where sections two, sixteen, thirty-two, and thirty-six, or any parts thereof, are mineral, or have been sold, reserved, or otherwise appropriated or reserved by or under the authority of any Act of Congress, or are wanting or fractional in quantity, or where settlement thereon with a view to preemption or homestead, or improvement thereof with a view to desert-land entry has been made heretofore or hereafter, and before the survey thereof in the field, the provisions of sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes, and Acts amendatory thereof or supplementary thereto, are hereby made applicable thereto and to the selection of lands in lieu thereof to the same extent as if sections two and thirty-two, as well as sections sixteen and thirty-six, were mentioned therein: *Provided, however,* That the area of such indemnity selections on account of any fractional township shall not in any event exceed an area which, when added to the area of the above-named sections returned by the survey as in place, will equal four sections for fractional townships containing seventeen thousand two hundred and eighty acres or more, three sections for such townships containing eleven thousand five hundred and twenty acres or more, two sections for such townships containing five thousand seven hundred and sixty acres or more, nor one section for such townships containing six hundred and forty acres or more: *And provided further,* That the grants of sections two, sixteen, thirty-two, and thirty-six to said State, within national forests now existing or proclaimed, shall not vest the title to said sections in said State until the part of said national forests embracing any of said sections is restored to the public domain; but said granted sections shall be administered as a part of said forests, and at the close of each fiscal year there shall be paid by the Secretary of the Treasury to the State, as income for its common-school fund, such proportion of the gross proceeds of all the national forests within said State as the area of lands hereby granted to said State for school purposes which are situated within said forest reserves, whether surveyed or unsurveyed, and for which no indemnity has been selected, may bear to the total area of said sections when unsurveyed to be determined by the Secretary of the Interior, by protraction or otherwise, the amount necessary for such payments being appropriated and made available annually from any money in the Treasury not otherwise appropriated. (36 Stat. 572.)

See note to sec. 576, *ante*.

Sec. 578. (Act February 1, 1905, ch. 288, sec. 3.) Selection of forest supervisors and rangers.

That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated. (33 Stat. 628.)

This was a section of an act entitled "An act providing for the transter of forest reserves from the Department of the Interior to the Department of Agriculture." cited above.

The other sections of this act are set forth as follows: Section 1, *ante*, sec. 79; section 2, *ante*, sec. 557; section 4, *post*, sec. 843; section 5, *ante*, sec. 564.

Previous provisions relating to the selection of forest agents, supervisors, etc., under the Secretary of the Interior, were made by sundry civil appro-

appropriation acts for the fiscal years 1900-1905. The execution of the laws affecting forest reserves having been placed, with certain exceptions, under the Secretary of Agriculture by section 1 of this act, the similar appropriations for subsequent fiscal years were made in the agricultural appropriation acts.

Sec. 579. (Act May 11, 1922, ch. 185.) Restriction on traveling expenses of forest officers and agents.

Hereafter no part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law. (42 Stat. 521.)

This was a provision of the agricultural appropriation act for the fiscal year 1923, cited above. Similar provisions, without the word "hereafter," were contained in the similar acts for the fourteen preceding fiscal years.

Provisions relating to traveling expenses, applicable to all the bureaus, offices, etc., of the Department of Agriculture, are set forth, *ante*, secs. 30-34.

Sec. 580. (Act May 23, 1908, ch. 192.) Forest service officials to aid in enforcement of local laws for certain purposes and to aid other Federal bureaus and departments in the performance of their duties.

Hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to National Forests, shall aid the other Federal Bureaus and Departments on request from them, in the performance of the duties imposed on them by law. (35 Stat. 259.)

This was a provision of the agricultural appropriation act for the fiscal year 1909, cited above.

Provisions requiring forest agents, superintendents, and supervisors, etc., under the Secretary of the Interior to aid in the enforcement of the laws of States or Territories in relation to the protection of fish and game, were contained in the sundry civil appropriation acts for the fiscal years 1900-1905. The execution of laws affecting forest reserves was transferred from the Secretary of the Interior to the Secretary of Agriculture, by Act February 1, 1905, ch. 288, sec. 1, *ante*, sec. 79, and provisions, similar to that set forth here, but omitting the word "hereafter," and the final portion, beginning with the words "and with respect to National Forests," were contained in the agricultural appropriation acts for the fiscal years 1906 and 1907; and such a provision, made permanent by the addition of the word "hereafter" and omitting the said final words, contained in the similar act for the fiscal year 1908, was superseded by this provision.

The Secretary of Agriculture was authorized to cooperate with the National Park Service in the supervision, etc., of national monuments contiguous to national forests, by Act August 25, 1916, ch. 408, sec. 2, *post*, sec. 581.

Sec. 581. (Act August 25, 1916, ch. 408, sec. 2.) Secretary of Agriculture to cooperate with National Park Service in supervision, etc., of national monuments contiguous to national forests.

That the director shall, under the direction of the Secretary of the Interior, have the supervision, management, and control of the several national parks and national monuments which are now under the jurisdiction of the Department of the Interior, and of the Hot Springs Reservation in the State of Arkansas, and of such other national parks and reservations of like character as may be hereafter created by Congress: *Provided*, That in the supervision, manage-

ment, and control of national monuments contiguous to national forests the Secretary of Agriculture may cooperate with said National Park Service to such extent as may be requested by the Secretary of the Interior. (39 Stat. 535.)

This was a section of an act entitled "An act to establish a National Park Service, and for other purposes," cited above.

Officials and employees of the Forest Service designated by the Secretary of Agriculture are required to aid the other Federal bureaus and departments in the duties imposed on them by law, by Act May 23, 1908, ch. 192, *ante*, sec. 580.

Sec. 582. (Act March 3, 1905, ch. 1405.) Authority to make arrests for violations of laws and regulations relating to forest reserves and national parks; proceedings.

All persons employed in the forest reserve and national park service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the forest reserves and national parks, and any person so arrested shall be taken before the nearest United States commissioner, within whose jurisdiction the reservation or national park is located, for trial; and upon sworn information by any competent person any United States commissioner in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations. (33 Stat. 873.)

These were provisions of the agricultural appropriation act for the fiscal year 1906, cited above. They repeated the language of the provisions of Act February 6, 1905, ch. 456, 33 Stat. 700, which was entitled "An act for the protection of the public forest reserves and national parks of the United States."

Sec. 582a. (Act March 3, 1915, ch. 81, sec. 6.) Appropriations for Lighthouse Service available for cooperation with Forest Service.

That hereafter the annual appropriations for the Lighthouse Service shall be available for defraying the expenses of cooperation between the Lighthouse Service and the Forest Service in the management of forest land on lighthouse reservations. (38 Stat. 928.)

This was a section of an act entitled "An act to authorize aid to navigation and other works in the Lighthouse Service, and for other purposes," cited above.

Sec. 583. (Act January 24, 1905, ch. 137, sec. 1.) Designation authorized of areas in Wichita Forest Reserve to be set aside for protection of game animals and birds.

That the President of the United States is hereby authorized to designate such areas in the Wichita Forest Reserve as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor. (33 Stat. 614.)

This section and the two sections next following were an act entitled "An act for the protection of wild animals and birds in the Wichita Forest Reserve," cited above.

Under this act the President designated and set aside the Wichita Forest Reserve for the protection of game animals and birds by proclamation dated June 2, 1905, 34 Stat. 3062.

Sec. 584. (Act January 24, 1905, ch. 137, sec. 2.) Hunting, trapping, killing, or capturing game animals or birds within areas set aside, unlawful; punishment for violations.

That when such areas have been designated as provided for in section one of this Act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time, by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. (33 Stat. 614.)

See notes to preceding section.

Sec. 585. (Act January 24, 1905, ch. 137, sec. 3.) Operation of local game laws as to private, State, or territorial lands not affected.

That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands. 33 Stat. 614.)

See notes to section 1 of this act, *ante*, sec. 583.

Sec. 586. (Act June 29, 1906, ch. 3593, sec. 1.) Designation authorized of areas in Grand Canyon Forest Reserve to be set aside for protection of game animals.

That the President of the United States is hereby authorized to designate such areas in the Grand Canyon Forest Reserve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor. (34 Stat. 607.)

This section and the two sections next following were an act entitled "An act for the protection of wild animals in the Grand Canyon Forest Reserve," cited above.

Under this act the President designated and set aside certain lands in Grand Canyon Forest Reserve as a game preserve by proclamation dated November 28, 1906, 34 Stat. 3263, and enlarged said game preserve by including therein additional lands, by proclamation dated June 23, 1908, 35 Stat. 2192.

Such parts of the game preserve designated and set aside under this act as were included with the Grand Canyon National Park by Act February 26, 1919, ch. 44, were excluded and eliminated from said game preserve, by section 9 of said act, *post*, sec. 589.

Sec. 587. (Act June 29, 1906, ch. 3593, sec. 2.) Hunting, trapping, killing, or capturing game animals within areas set aside, unlawful; punishment for violations.

That when such areas have been designated as provided in section one of this Act, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined

in a sum not exceeding one thousand dollars, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. (34 Stat. 607.)

See notes to preceding section.

Sec. 588. (Act June 29, 1906, ch. 3593, sec. 3.) Operation of local game laws as to private, State, or territorial lands not affected.

That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands. (34 Stat. 607.)

See notes to section 1 of this act, *ante*, sec. 586.

Sec. 589. (Act February 26, 1919, ch. 44, sec. 9.) Lands included in the Grand Canyon National Park excluded from Grand Canyon National Game Preserve.

The Executive order of January eleventh, nineteen hundred and eight, creating the Grand Canyon National Monument, is hereby revoked and repealed, and such parts of the Grand Canyon National Game Preserve, designated under authority of the Act of Congress, approved June twenty-ninth, nineteen hundred and six, entitled "An Act for the protection of wild animals in the Grand Canyon Forest Reserve," as are by this Act included with the Grand Canyon National Park are hereby excluded and eliminated from said game preserve. (40 Stat. 1178.)

This was a section of an act entitled "An act to establish the Grand Canyon National Park in the State of Arizona," cited above.

In a proclamation dated January 11, 1908, 35 Stat. 2175, referred to in this section, the President reserved certain lands as the Grand Canyon National Monument, under an act entitled "An act for the preservation of American antiquities," Act June 8, 1906, ch. 34 Stat. 225. The lands so reserved were within the boundaries of the previously created Grand Canyon Forest Reserve and also within the portion thereof designated and set aside as Grand Canyon National Game Preserve, under Act June 29, ch. 3593, mentioned in this section, *ante*, secs. 586-588.

The boundaries of the Grand Canyon National Park created by this act are described in section 1 thereof, 40 Stat. 1175.

Sec. 590. (Act June 5, 1920, ch. 247, sec. 1.) Areas of Harney National Forest, South Dakota; authorized to be set aside as Custer State Park Game Sanctuary.

That the President of the United States is hereby authorized to designate as the Custer State Park Game Sanctuary such areas, not exceeding thirty thousand acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor. (41 Stat. 986.)

This section and the three sections next following were part of an act entitled "An act for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes," cited above.

The final section of this act, providing for an exchange of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas set aside by the President under this section, for lands owned by the State of South Dakota lying within the exterior boundaries of a national forest in said State desirable for national forest purposes, is set forth, *post*, sec. 718.

Under this act the President designated and set aside certain lands of Harney National Forest as Custer State Park Game Sanctuary for the protection of game animals and birds, by proclamation dated October 9, 1920, 41 Stat. 1805.

Sec. 591. (Act June 5, 1920, ch. 247, sec. 2.) Unauthorized hunting, etc., within areas set aside, unlawful; punishment.

That when such areas have been designated as provided for in section 1 of this Act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. (41 Stat. 986.)

Section 1 of this act, mentioned in this section, is set forth, *ante*, sec. 590.

Sec. 592. (Act June 5, 1920, ch. 247, sec. 3.) Local game laws not interfered with.

That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands. (41 Stat. 986.)

Sec. 593. (Act June 5, 1920, ch. 247, sec. 4.) State of South Dakota authorized to erect fence inclosing lands set apart; erection and maintenance of gates, etc.; right of State to maintain fence so long as area is protected by State laws.

That the State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as the area designated by the President as a game sanctuary is also given similar protection by the laws of the State of South Dakota. (41 Stat. 986.)

Section 1 of this act, mentioned in this section, is set forth, *ante*, sec. 524.

Sec. 594. (Act February 25, 1885, ch. 149, sec. 1.) Inclosure or assertion of right to public lands without title.

That all inclosures of any public lands in any State or Territory of the United States, heretofore or to be hereafter made, erected, or constructed by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim, made in good faith with a view to entry thereof at the proper land-office under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erec-

tion, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited. (23 Stat. 321.)

This section and the five sections next following were part of an act entitled "An act to prevent unlawful occupancy of the public lands," cited above.

Section 7 of this act related to pending suits and is omitted as temporary.

Sec. 595. (Act February 25, 1885, ch. 149, sec. 2.) Suits for violations of preceding section.

That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section one of this act is being violated showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by Governmental sub-divisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation as nearly as may be, and by description, if the name cannot on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district [or circuit] court, or territorial district court, in the name of the United States, and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any United States district [or circuit] court or territorial district court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employee having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure, in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court. (23 Stat. 321.)

See note to preceding section.

The words "or circuit," inclosed in brackets in this section, were superseded by the abolition of the circuit courts and the transfer of their powers and duties to the district courts by Act March 3, 1911, ch. 231, secs. 289-291, 36 Stat. 1167.

Sec. 596. (Act February 25, 1885, ch. 149, sec. 3.) Obstruction of settlement on or transit over public lands, prohibited.

That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall pre-

vent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not be held to affect the right or title of persons, who have gone upon, improved or occupied said lands under the land laws of the United States, claiming title thereto, in good faith. (23 Stat. 322.)

See note to section 1 of this act, *ante*, sec. 594.

Sec. 597. (Act February 25, 1885, ch. 149, sec. 4, as amended by Act March 10, 1908, ch. 75.) Violations of act; punishment.

That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, for each offense. (23 Stat. 322; 35 Stat. 40.)

The amendment of this section by Act March 10, 1908, ch. 75, cited above, consisted in the insertion of the words "or both," after the provision for fine or imprisonment in the section as originally enacted.

See note to section 1 of this act, *ante*, sec. 594.

Sec. 598. (Act February 25, 1885, ch. 149, sec. 5.) Removal of unlawful enclosures.

That the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and to employ civil or military force as may be necessary for that purpose. (23 Stat. 322.)

See note to section 1 of this act, *ante*, sec. 594.

Sec. 599. (Act February 25, 1885, ch. 149, sec. 6.) Authority of Secretary of Interior necessary to bring suits for unlawful enclosures.

That where the alleged unlawful inclosure includes less than one hundred and sixty acres of land, no suit shall be brought under the provisions of this act without authority from the Secretary of the Interior. (23 Stat. 322.)

See note to section 1 of this act, *ante*, sec. 594.

Sec. 600. (Act June 8, 1906, ch. 3060, sec. 1.) Appropriation, etc., or destruction of objects of antiquity on lands of the United States without permission; punishment.

That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court. (34 Stat. 225.)

This section and the three sections next following were an act entitled "An act for the preservation of American antiquities," cited above.

Sec. 601. (Act June 8, 1906, ch. 3060, sec. 2.) Historic landmarks, structures, etc., as national monuments; reservation of parcels of land for care, etc., thereof; relinquishment of private claims.

That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks,

historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. (34 Stat. 225.)

Sec. 602. (Act June 8, 1906, ch. 3060, sec. 3.) Permits for examination of ruins, excavation of archæological sites, and gathering objects of antiquity.

That permits for the examination of ruins, the excavation of archæological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums. (34 Stat. 225.)

Sec. 603. (Act June 8, 1906, ch. 3060, sec. 4.) Regulations for carrying out provisions of act.

That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act. (34 Stat. 225.)

Sec. 604. (Act March 4, 1909, ch. 321, sec. 57.) Injuring or removing survey marks; punishment.

Whoever shall willfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or shall willfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall willfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both. (35 Stat. 1099.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 57, cited above, incorporating therein a provision of section 1 of Act June 10, 1896, ch. 398, 29 Stat. 343, which provision was expressly repealed by section 341 of said Code.

Sec. 605. (Act March 4, 1909, ch. 321, sec. 56.) Breaking, etc., fences, etc., driving cattle, etc., on inclosed public lands; punishment; unreserved lands excepted.

Whoever shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United

States which, in pursuance of any law, have been reserved or purchased by the United States for any public use; or whoever shall drive any cattle, horses, hogs, or other live stock upon any such lands for the purpose of destroying the grass or trees on said lands, or where they may destroy the said grass or trees; or whoever shall knowingly permit his cattle, horses, hogs, or other live stock to enter through any such inclosure upon any such lands of the United States, where such cattle, horses, hogs or other live stock may or can destroy the grass or trees or other property of the United States on the said lands, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both: *Provided*, That nothing in this section shall be construed to apply to unreserved public lands. (35 Stat. 1099.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 56, cited above, incorporating therein sections 2 and 3 of Act March 3, 1875, ch. 151, 18 Stat. 481, 482, which sections were expressly repealed by section 341 of said Code.

Sec. 606. (Act June 3, 1878, ch. 151, sec. 4.) Cutting, etc., timber on lands in public-land States unlawful; transportation of such timber or lumber manufactured therefrom; punishment; clearing land for mining or agricultural improvements or taking timber for use of United States, excepted.

That after the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, in said States and Territory [the public-land States] or remove, or cause to be removed, any timber from said public lands, with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars: *Provided*, That nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; and the penalties herein provided shall not take effect until ninety days after the passage of this act. (20 Stat. 90.)

This was a section of an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada and in Washington Territory," cited above.

The words "said States and Territory" in this section have reference to the words "the States of California, Oregon, and Nevada and in Washington Territory," in section 1 of this act as originally enacted. Said section 1 was amended by Act August 4, 1892, ch. 375, sec. 2, 27 Stat. 348, by striking out the words "States of California, Oregon, and Nevada and in Washington Territory," and inserting in lieu thereof the words "public land States."

The provisions of this section were substantially incorporated into the Criminal Code, Act March 4, 1909, ch. 321, sec. 49, *post*, sec. 612, although not mentioned in section 341, the repealing section of said Code.

The cutting of timber on public timber lands or the removal of timber therefrom in certain enumerated States for use in such State by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, under the rules and regulations of the Secretary of the Interior, and not transported out of such State, was made lawful by Act March 3, 1891, ch. 561.

sec. 8, as amended by Act March 3, 1891, ch. 559, Act February 13, 1893, ch. 103, and Act March 3, 1901, ch. 855, *post*, sec. 616, and Act July 1, 1898, ch. 546, sec. 1, *post*, sec. 617, and by Act March 3, 1901, ch. 862, *post*, sec. 618.

All citizens of the United States and residents of certain enumerated States and all other mineral districts of the United States were authorized to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or trees on the public lands not subject to entry except for mineral entry, in either of such States or districts of which such citizens or persons may be residents, subject to the rules and regulations of the Secretary of the Interior, by Act June 3, 1878, ch. 150, sec. 1, *post*, sec. 614.

The Secretary of Agriculture was authorized to permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are situated, by Act March 3, 1921, ch. 127, *ante*, sec. 556.

Permission for the use of timber on the national forests by settlers, miners, etc., was authorized by Act June 4, 1897, ch. 2, sec. 1 (6), and Act August 10, 1912, ch. 284, *ante*, secs. 543, 552.

The Secretary of the Interior was authorized to use and permit the use of timber from the public lands, and the Secretary of Agriculture was authorized to permit the use of timber from the national forests, required in the construction of irrigation works, by Act February 8, 1905, ch. 522, *ante*, sec. 554.

The Secretary of Agriculture was authorized to permit the use of timber free of charge for the construction of telephone lines necessary for the protection of the national forests from fire, by Act March 4, 1913, ch. 145, *ante*, sec. 555.

Sec. 607. (R. S. sec. 2460.) Prevention of destruction and transportation and the preservation of timber of the United States in Florida.

The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Act February 23, 1822, ch. 9, 3 Stat. 651.

The Secretary of the Navy was authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof where the principal growth was of either of such timbers, as might be necessary to furnish the Navy a sufficient supply of the same, by R. S. sec. 2458. The President was authorized to appoint surveyors who should perform the duties prescribed by said section and report to him the tracts selected, and the tracts so selected, with the approbation of the President, were reserved for the sole purpose of supplying timber for the Navy, by R. S. sec. 2459. Provision for restoration to sale and entry of lands reserved for naval purposes in Florida were made by Act March 3, 1879, ch. 189, 20 Stat. 470, and in Alabama and Mississippi, by Act March 3, 1895, ch. 182, 28 Stat. 814.

Sec. 608. (R. S. sec. 2461.) Cutting or destruction of live-oak or red-cedar trees on lands of the United States; penalty.

If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States,

for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months.

Act March 2, 1831, ch. 66, sec. 1, 4 Stat. 472.

See note to R. S. sec. 2460, *ante*, sec. 607.

Any person prosecuted in the public-land States for violating this section, who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment into court of the sum of \$2.50 per acre for all lands on which the timber has been cut or removed, by Act June 3, 1878, ch. 151, sec. 5, *post*, sec. 611.

Sec. 609. (R. S. sec. 2462.) Forfeiture of vessels employed in carrying away live-oak or red-cedar timber.

If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars.

Act March 2, 1831, ch. 66, sec. 2, 4 Stat. 472.

See note to R. S. sec. 2460, *ante*, sec. 607.

See also R. S., sec. 2463 and notes thereto, *post*, sec. 610.

Sec. 610. (R. S. sec. 2463.) Clearance of vessels laden with live oak; prosecution of depredators.

It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands.

Act March 2, 1833, ch. 67, sec. 3, 4 Stat. 647.

See note to R. S. sec. 2460, *ante*, sec. 607.

Sec. 611. (Act June 3, 1878, ch. 151, sec. 5.) Relief from prosecutions on payment for timber cut, etc.

That any person prosecuted in said States and Territory [the public-land States] for violating section two thousand four hundred and sixty-one of the Revised Statutes of the United States who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of two dollars and fifty cents per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same: *Provided*, That nothing contained in this section shall be construed as granting to the person hereby relieved the title to said lands for said payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act: *And further provided*, That all moneys collected under this act shall be covered into the Treasury of the United States. And section four thousand seven hundred and fifty-one of the Revised Statutes is hereby repealed, so far as it relates to the State and Territory herein named. (20 Stat. 90.)

See notes to section 4 of this act. *ante*, sec. 606.

R. S. sec. 4751, mentioned in and repealed by this section, related to the recovery and distribution of penalties and forfeitures incurred under the provisions of R. S. secs. 2461, 2462, 2463, *ante*, secs. 608-610.

Sec. 612. (Act March 4, 1909, ch. 321, sec. 49.) Cutting, etc., or destruction, etc., timber on public lands; punishment; clearing land for mining or agricultural improvements or taking timber for use of United States, excepted.

Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than one thousand dollars, or imprisonment not more than one year, or both. Nothing in this section shall prevent any miner or agriculturalist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States. And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands. (35 Stat. 1098.)

This was a section of the Criminal Code, Act March 3, 1909, ch. 321, sec. 49, cited above, and substantially incorporates the provisions of Act June 3, 1878, ch. 151, sec. 4, 20 Stat. 90. Though said Act June 3, 1878, ch. 151, sec. 4, so amended, is superseded by this section of the Criminal Code, it is not included among the acts and parts of acts enumerated in the repealing section of said Code, and is set forth, *ante*, sec. 606. See notes to said section.

Sec. 613. (Act March 4, 1909, ch. 321, sec. 50, as amended by Act June 25, 1910, ch. 431, sec. 6.) Cutting, etc., timber on lands of the United States for public use; punishment.

Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be fined not more than five hundred dollars, or imprisonment not more than one year, or both. (35 Stat. 1098; 36 Stat. 857.)

This was a section of the Criminal Code, Act March 3, 1909, ch. 321, sec. 50, cited above, as amended by Act June 25, 1910, ch. 431, sec. 6, also cited above, and incorporated R. S. sec. 5388 as amended by Act June 4, 1888, ch. 340, 25 Stat. 166. Said R. S. sec. 5388 and said Act June 4, 1888, were expressly repealed by section 341 of said Code.

Sec. 614. (Act June 3, 1878, ch. 150, sec. 1.) Timber on certain mineral lands may be cut for certain purposes.

That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona-fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, the provisions of this act shall not extend to railroad corporations. (20 Stat. 88.)

This section and section 3 of this act, next following, were part of an act entitled "An act authorizing citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," cited above.

Section 2 of this act, which is omitted here, made it the duty of the register and the receiver of any local land office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by the act, within their respective land districts; and if so, immediately notify the Commissioner of the General Land Office of the fact.

The former "Territories" named in this section have since been admitted into the Union as States, as follows: Montana and North and South Dakota, by Act February 22, 1889, ch. 180, 25 Stat. 676; Idaho, by Act July 3, 1890, ch. 656, 26 Stat. 215; Wyoming, by Act July 10, 1890, ch. 664, 26 Stat. 222; Utah, by Act July 16, 1894, ch. 138, 28 Stat. 107; and New Mexico and Arizona, by Act June 20, 1910, ch. 310, 36 Stat. 557, and Res. August 21, 1911, No. 8, 37 Stat. 39.

The President was authorized to set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, as public reservations, by section 24 of Act March 3, 1891, ch. 561, *ante*, sec. 537;

and by Act February 1, 1905, ch. 288, sec. 1, *ante* sec. 79, the Secretary of Agriculture was to execute all laws affecting the public lands, with certain exceptions, theretofore or thereafter reserved under the provisions of said section 24 of Act March 3, 1891, and acts supplemental thereto and amendatory thereof.

Sec. 615. (Act June 3, 1878, ch. 150, sec. 3.) Punishment for violations of act.

Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months. (20 Stat. 89.)

See notes to preceding section.

Sec. 616. (Act March 3, 1891, ch. 561, sec. 8, as amended by Act March 3, 1891, ch. 559, Act February 13, 1893, ch. 103, and Act March 3, 1901, ch. 855.) Timber on certain public lands may be cut for certain purposes.

And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, New Mexico and Arizona, and the District of Alaska, and the gold and silver regions of Nevada, California, Oregon, and Washington and the Territory of Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railway company to cut timber on the public domain, provided that the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act, and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations, but this act shall not operate to repeal the act of June third, eighteen hundred and seventy-eight, providing for the cutting of timber on mineral lands. (26 Stat. 1099; 26 Stat. 1093; 27 Stat. 444; 31 Stat. 1436.)

The portion of this section, as originally enacted, read as follows:

"And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and in the District of Alaska and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section."

It was amended to read as set forth here by Act March 3, 1891, ch. 559, cited above, except that the words "New Mexico" and "Arizona" were inserted by Act February 13, 1893, ch. 103, cited above, and the words

"California, Oregon, and Washington" were inserted by Act March 3, 1901, ch. 855, cited above.

The section was further amended by Act July 1, 1898, ch. 546, sec. 1, and Act March 3, 1901, ch. 862, *post*, secs. 617, 618.

The Territory of Utah was admitted into the Union by Act July 10, 1894, ch. 138, 28 Stat. 107, and the District of Alaska was organized as a Territory by Act August 24, 1912, ch. 387, 37 Stat. 512.

The cutting of timber in Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, Montana, and all other mineral districts of the United States for building, agricultural, mining, or other domestic purposes was permitted by Act June 3, 1878, ch. 150, sec. 1, *ante*, sec. 614.

Sec. 617. (Act July 1, 1898, ch. 546, sec. 1.) Removal of timber cut in Wyoming, to Idaho.

That section eight of an Act entitled "An Act to repeal the timber culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one, be, and the same is hereby, amended as follows: That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of the eighth section of the Act of March third, eighteen hundred and ninety-one, to citizens of Idaho and Wyoming to cut timber in the State of Wyoming west of the continental divide, on the Snake River and its tributaries to the boundary line of Idaho for agricultural, mining, or other domestic purposes, and to remove the timber so cut to the State of Idaho. (30 Stat. 618).

This was a provision of the sundry civil appropriation act for the fiscal year 1899, cited above.

Act March 3, 1891, ch. 561, sec. 8, mentioned and amended by this provision, is set forth, *ante*, sec. 616.

Sec. 618. (Act March 3, 1901, ch. 862.) Limitation of use of timber taken from public lands not to apply to certain territory.

That the provisions of chapter five hundred and fifty-nine of the Revised Statutes of the United States, approved March third, eighteen hundred and ninety-one, limiting the use of timber taken from public lands to residents of the State in which such timber is found, for use within said State, shall not apply to the south slope of Pryor Mountains, in the State of Montana, lying south of the Crow Reservation, west of the Big Horn River, and east of Sage Creek; but within the above-described boundaries the provisions of said chapter shall apply equally to the residents of the States of Wyoming and Montana, and to the use of timber taken from the above-described tract in either of the above-named States. (31 Stat. 1439.)

This was an act entitled "An act to amend chapter five hundred and fifty-nine of the Revised Statutes of the United States, approved March third, eighteen hundred and ninety-one," cited above.

Act March 3, 1891, ch. 559, referred to in this act, amended Act March 3, 1891, ch. 561, sec. 8. See sec. 616, *ante*.

Sec. 619. (Act April 1, 1918, ch. 38.) Rights of Saginaw and Manistee Lumber Company to cut timber on lands within Coconino and Tusayan National Forests extended; condition; limitation.

That the rights of the Saginaw and Manistee Lumber Company, and its successors in interest, to cut and remove the timber from such of the lands within the Coconino and Tusayan National Forests as were reconveyed to the United States, subject to outstanding timber-right contracts held by said company, under the rules, regulations,

and conditions imposed by the Secretary of the Interior at the time of said reconveyance, are hereby extended to and until the thirty-first day of December, anno Domini nineteen hundred and fifty: *Provided*, That said company executes and enters into an agreement with the Secretary of Agriculture to comply with such additional requirements as may be mutually agreed upon to promote forest-fire protection, reforestation, and forestry administration, and further that all its rights to cut and remove timber from any lands within said National forests are to terminate on the thirty-first day of December, nineteen hundred and fifty; but this Act shall not be construed to confer upon said company any other rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement, this Act shall neither extend nor restrict the present rights of said company. (40 Stat. 1358.)

This was an act entitled "An act to extend the time for cutting timber on the Coconino and Tusayan National Forests, Arizona," cited above.

Sec. 619a. (Act August 24, 1922, ch. 283.) Rights of Arizona Lumber and Timber Co. to cut timber on certain lands in Coconino and Tusayan National Forests; condition; limitation.

That the Secretary of Agriculture is hereby authorized to extend the rights of the Arizona Lumber and Timber Company and its successors in interest to cut and remove the timber from such of the following-described lands: Sections three and nine, township nineteen north, range five east; section thirty-three, township twenty north, range five east; section thirty-one, township twenty-one north, range five east; section thirty-five, township twenty north, range six east; section thirty-one, township twenty north, range seven east; all of the Gila and Salt River principal base and meridian within the Coconino and Tusayan National Forests, Arizona, as have been reconveyed, or are under contract to be reconveyed, to the United States, subject to outstanding timber-right contracts held by said company under the rules, regulations, and conditions imposed by the Secretary of the Interior at the time of said reconveyance or contract to reconvey until such time as he may determine to be in the public interest but not later than December 31, 1950: *Provided*, That said company executes and enters into an agreement with the Secretary of Agriculture to comply with such additional requirements upon the above-described lands and any other lands for which timber rights are claimed by said company within the Coconino and Tusayan National Forests, as may be mutually agreed upon to promote forest-fire protection, reforestation, and forestry administration: *Provided further*, That all its present rights to cut and remove timber from any lands within said national forests are to terminate on the date fixed by the Secretary of Agriculture and agreed to by the company, but this Act shall not be construed to confer upon said company any rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement this Act shall neither extend nor restrict the present rights of said company. (42 Stat. 828.)

This was an act entitled "An act to extend the time for cutting timber in the Coconino and Tusayan National Forests, Arizona," cited above.

Sec. 620. (Act March 4, 1909, ch. 321, sec. 51.) Boxing, etc., trees for turpentine, etc.; punishment.

Whoever shall cut, chip, chop, or box any tree upon any lands belonging to the United States, or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or shall knowingly encourage, cause, procure, or aid in the cutting, chipping, chopping, or boxing of any such tree, or shall buy, trade for, or in any manner acquire any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance, when he has knowledge that the same has been so unlawfully obtained from such trees, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (35 Stat. 1098.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 51, cited above, incorporating therein Act June 4, 1906, ch. 2571, 34 Stat. 208, which act was expressly repealed by section 341 of said Code.

Sec. 621. (Act March 4, 1909, ch. 321, sec. 52.) Setting fire to timber on public domain; punishment.

Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. (35 Stat. 1098.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 52, cited above, incorporating therein the provisions of Act February 24, 1897, ch. 313, sec. 1, 29 Stat. 594, as amended by Act May 5, 1900, ch. 349, 31 Stat. 169. Both said Act February 24, 1897, and said Act May 5, 1900, were expressly repealed by section 341 of said Code.

Sec. 622. (Act March 4, 1909, ch. 321, sec. 53, as amended by Act June 25, 1910, ch. 431, sec. 6.) Building fires without consent and failing to extinguish fires upon the public domain; punishment.

Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. (35 Stat. 1098, 857.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 53, cited above, as amended by Act June 25, 1910, ch. 431, sec. 6, also cited above. This section incorporates Act February 24, 1897, ch. 313, sec. 2, 29 Stat. 594, as amended by Act May 5, 1900, ch. 349, 31 Stat. 170, which acts were repealed by section 341 of said Code.

Sec. 623. (Act March 4, 1909, ch. 321, sec. 55.) Trespassing on Bull Run National Forest, Oregon; punishment.

Whoever, except forest rangers and other persons employed by the United States to protect the forest, federal and state officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, shall knowingly trespass upon

any part of the reserve known as Bull Run National Forest, in the Cascade Mountains, in the State of Oregon, or shall enter thereon for the purpose of grazing stock, or shall engage in grazing stock thereon, or shall permit stock of any kind to graze thereon, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. (35 Stat. 1099.)

This was a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 55, cited above, incorporating therein Act April 28, 1904, ch. 1774, 33 Stat. 526, which act was expressly repealed by section 341 of said Code.

Sec. 624. (Act March 1, 1911, ch. 186, sec. 1.) Consent to agreement by States for conservation of forests and water supply.

That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact. (36 Stat. 961.)

This section and the thirteen sections next following were an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purposes of conserving the navigability of navigable rivers," cited above.

Sec. 625. (Act March 1, 1911, ch. 186, sec. 2.) Appropriation for cooperation with States for protection from fire of forested watersheds of navigable streams; agreements with States for system of fire protection; State law required; limitation of expenditures.

That the sum of two hundred thousand dollars is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year. (36 Stat. 961.)

The unused balance of the appropriation made here was continued to the end of the fiscal year 1915, and an additional appropriation of \$75,000 was made, by a provision of the agricultural appropriation act for the fiscal year 1914, and an appropriation of \$100,000 was made in the similar acts for each of the fiscal years 1915 to 1918, inclusive, \$125,000 in the act for the fiscal year 1921, and \$400,000 in the act for the fiscal year 1922.

Sec. 626. (Act March 1, 1911, ch. 186, sec. 3.) Appropriations for examination, survey, and acquirement of lands at headwater of navigable streams.

That there is hereby appropriated, for the fiscal year ending June thirtieth, nineteen hundred and ten, the sum of one million dollars,

and for each fiscal year thereafter a sum not to exceed two million dollars for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the thirtieth day of June, nineteen hundred and fifteen. (36 Stat. 961.)

So much of the maximum sums mentioned in this section as should remain unexpended at the close of each of the fiscal years 1912 to 1915, inclusive, was appropriated and made available until expended, by the agricultural appropriation act for the fiscal year 1913, Act August 10, 1912, ch. 284, 37 Stat. 300.

Further appropriations to carry out the purposes named in this section, of \$1,000,000 for the fiscal year 1917 and \$2,000,000 for the fiscal year 1918, were made in the agricultural appropriation act for the fiscal year 1917; \$600,000 for the fiscal year 1920, in the similar act for said year; and \$1,000,000 "for the acquisition of lands at headwaters of navigable streams," in the similar act for the fiscal year 1922.

Sec. 627. (Act March 1, 1911, ch. 186, sec. 4.) National Forest Reservation Commission; creation and composition; authority to purchase lands under act; service of members; vacancies.

That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two members of the Senate, to be selected by the President of the Senate, and two members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section six of this Act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment. (36 Stat. 962.)

Section 6 of this act, mentioned in this section, is set forth *post*, sec. 629.

Sec. 628. (Act March 1, 1911, ch. 186, sec. 5.) Annual reports of commission.

That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year. (36 Stat. 962.)

Sec. 629. (Act March 1, 1911, ch. 186, sec. 6.) Examination, etc., of lands for purchase and report thereon by Secretary of Agriculture; examination and report by Geological Survey.

That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie (36 Stat. 962.)

Sec. 630. (Act March 1, 1911, ch. 186, sec. 7.) Purchase of lands approved by commission; consent of State.

That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this Act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams. (36 Stat. 962.)

Sec. 631. (Act March 1, 1911, ch. 186, sec. 8.) Title to lands to be acquired; approval by Attorney General.

That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this Act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States. (36 Stat. 962.)

Sec. 632. (Act March 1, 1911, ch. 186, sec. 9, as amended by Act March 4, 1913, ch. 145.) Acquisition of lands not defeated by rights of way, easements, and reservations not interfering with the purposes of the Act; rights of way, etc., to be subject to rules and regulations.

That such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purpose of the Act: *Provided*, That such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and that such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed. (36 Stat. 962, 37 Stat. 855.)

This section, as originally enacted, read as follows:

"That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and the time within which such timber shall be removed and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed."

It was amended to read as set forth here by the agricultural appropriation act for the fiscal year 1914, cited above.

Sec. 633. (Act March 1, 1911, ch. 186, sec. 10.) Agricultural lands included in tracts acquired; sale as homesteads; jurisdiction of lands sold to revert to State; no rights, etc., to lands acquired, waters thereon, etc., except as provided in this section.

That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this Act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding eighty acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this Act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided. (36 Stat. 962.)

A provision authorizing the Secretary of Agriculture to permit the development and utilization of the mineral resources of the lands acquired under this act, by Act March 4, 1917, ch. 179, is set forth, *post*, sec. 641.

Sec. 634. (Act March 1, 1911, ch. 186, sec. 11.) Lands acquired reserved, etc., as national forest lands; division into and designations as specific national forests.

That, subject to the provisions of the last preceding section, the lands acquired under this Act shall be permanently reserved, held, and administered as national forest lands under the provisions of section twenty-four of the Act approved March third, eighteen hundred and ninety-one (volume twenty-six, Statutes at Large, page eleven hundred and three), and Acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this Act into such specific national forests and so designate the same as he may deem best for administrative purposes. (36 Stat. 963.)

Section 24 of Act March 3, 1891, ch. 561, mentioned in this section, is set forth *ante*, sec. 537.

Sec. 635. (Act March 1, 1911, ch. 186, sec. 12.) State jurisdiction over persons on lands acquired not affected, except as to punishment of offenses against United States.

That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this Act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State. (36 Stat. 963.)

Similar provisions, applicable to lands reserved as national forests under Act March 3, 1891, ch. 561, sec. 24, but without such a limitation as is imposed by the second proviso of this section, were made by Act June 4, 1897, ch. 2, sec. 1, *ante*, sec. 546.

Sec. 636. (Act March 1, 1911, ch. 186, sec. 13, as amended by Act June 30, 1915, ch. 131.) Payment of 25 per cent of receipts from each national forest to State for benefit of county public schools and roads; limitation of payment for any one county.

That twenty-five per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this Act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such county from all other sources. (36 Stat. 963; 38 Stat. 441.)

This section was amended by Act June 30, 1914, ch. 131, cited above, by substituting the word "twenty-five" for the word "five" in the first line thereof.

Previous similar provisions, applicable to national forests reserved under Act March 3, 1891, ch. 561, sec. 24, were made by Act May 23, 1908, ch. 192, *ante*, sec. 571.

Provisions for the use of an additional ten per centum of the moneys received from the national forests for the construction and maintenance of roads and trails therein were made by Act March 4, 1913, ch. 145, *ante*, sec. 572.

Sec. 637. (Act March 1, 1911, ch. 186, sec. 14.) Appropriation for expenses of Commission; payment.

That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of twenty-five thousand dollars, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission. (36 Stat. 963.)

Sec. 638. (Act July 6, 1912, ch. 209, sec. 1.) Secretary of Agriculture to have charge of Olmstead lands in North Carolina.

That the Secretary of Agriculture shall, from and after the passage of this Act, have charge of the several tracts of land in Clay and Graham Counties, North Carolina, known as the Olmstead lands, aggregating approximately thirty-two thousand four hundred and eighty-three acres, being the lands conveyed to the United States by Levi Stevens and wife on March fifteenth, eighteen hundred and sixty-nine, in compromise and settlement of an indebtedness due the United States by E. B. Olmstead. (37 Stat. 189.)

This section and sections 3 and 4 of this act, next following, were part of an act entitled "An act for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture," cited above.

Section 2 of this Act, authorizing and directing the Solicitor of the Treasury "to transfer to the Secretary of Agriculture, all title, papers and correspondence relating to said lands on file in his office," is omitted here as temporary.

Sec. 639. (Act July 6, 1912, ch. 209, sec. 3.) Lands to be subject to provisions of Act March 1, 1911, ch. 186.

That the said lands shall be subject to such of the provisions of the Act approved March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one), as apply to lands purchased thereunder. (37 Stat. 189.)

Sec. 640. (Act July 6, 1912, ch. 209, sec. 4.) Existing private rights not affected.

That nothing herein contained shall be construed to affect in any way any private or corporate rights now existing with reference to said lands. (37 Stat. 189.)

Sec. 641. (Act March 4, 1917, ch. 179.) Development, etc., of mineral resources on lands acquired under Act March 1, 1911, ch. 186.

The Secretary of Agriculture is authorized, under general regulations to be prescribed by him, to permit the prospecting, development, and utilization of the mineral resources of the lands acquired under the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes, page nine hundred and sixty-one), known as the Weeks law, upon such terms and for specified periods or otherwise, as he may deem to be for the best interests of the United States; and all moneys received on account of charges, if any, made under this Act shall be disposed of as is provided by existing law for the disposition of receipts from national forests. (39 Stat. 1150.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1918, cited above. Provisions in the same words were also contained in the similar act for the preceding fiscal year.

Act March 1, 1911, ch. 186, mentioned in this paragraph, is set forth, *ante*, secs. 624-637.

Provisions for the disposition of receipts from national forests are set forth, *ante*, secs. 565-572.

Sec. 642. (Act March 4, 1917, ch. 179.) Disposition of receipts for hunting, fishing, and camping on lands acquired under Act March 1, 1911, ch. 186.

Additional national forests created or to be created under section eleven of the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-three), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said Act, \$66,100: *Provided*, That hereafter, all moneys received on account of permits for hunting, fishing, or camping, on lands acquired under authority of said Act, or any amendment or extension thereof, shall be disposed of as is provided by existing law for the disposition of receipts from national forests. (39 Stat. 1149.)

This was a provision of the agricultural appropriation act for the fiscal year 1918, cited above.

Act March 1, 1911, ch. 186, sec. 11, referred to in this provision, is set forth, *ante*, sec. 634.

Provisions for the disposition of receipts from national forests are set forth *ante*, secs. 565-572.

Sec. 643. (Act August 11, 1916, ch. 313.) Designation authorized of areas on lands purchased under Act March 1, 1911, ch. 186, for protection of game animals, birds, or fish; punishment for unlawfully taking, etc., game or fish.

That the President of the United States is hereby authorized to designate such areas on any lands which have been, or which may hereafter be, purchased by the United States under the provisions of the Act of March first, nineteen hundred and eleven (Thirty-sixth Statutes at Large, page nine hundred and sixty-one), entitled "An Act to enable any State to cooperate with any other State or States, or with the United States, for the protection of watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams," and Acts supplementary thereto and amendatory thereof, as should, in his opinion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than \$500 or imprisoned not more than six months, or both. (39 Stat. 476.)

This was a paragraph of the agricultural appropriation act for the fiscal year 1917, cited above.

Act March 1, 1911, ch. 186, mentioned in this paragraph, is set forth, *ante*, secs. 624-637.

Whoever shall hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs thereof, on any lands set apart or reserved as breeding grounds for birds by any law, proclamation, or Executive order, except under rules and regulations prescribed by the Secretary of Agriculture, shall be fined not more than \$500, or imprisoned not more than six months, or both, by section 84 of the Criminal Code, Act March 4, 1909, ch. 321, *ante*, sec. 458.

Sec. 644. (Act October 1, 1890, ch. 1263, sec. 1.) Lands in California reserved and set apart as forest lands; previous grants to State and bona fide entries not affected.

That the tracts of land in the State of California known as [and] described as follows: Commencing at the northwest corner of township two north, range nineteen east Mount Diablo meridian, thence eastwardly on the line between townships two and three north, ranges twenty-four and twenty-five east; thence southwardly on the line between ranges twenty-four and twenty-five east to the Mount Diablo base line; thence eastwardly on said base line to the corner to township one south, ranges twenty-five and twenty-six east; thence southwardly on the line between ranges twenty-five and twenty-six east to the southeast corner of township two south, range twenty-five east; thence eastwardly on the line between townships two and three south, range twenty-six east to the corner to townships two and three south, ranges twenty-six and twenty-seven east; thence southwardly on the line between ranges twenty-six and twenty-seven east to the first standard parallel south; thence westwardly on the first standard parallel south to the southwest corner of township four south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two south, range nineteen east; thence westwardly on the line between townships

one and two south to the southwest corner of township one south, range nineteen east; thence northwardly on the line between ranges eighteen and nineteen east to the northwest corner of township two north, range nineteen east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands; and all persons who shall locate or settle upon, or occupy the same or any part thereof, except as hereinafter provided, shall be considered trespassers and removed therefrom: *Provided, however*, That nothing in this act shall be construed as in anywise affecting the grant of lands made to the State of California by virtue of the act entitled "An act authorizing a grant to the State of California of the Yosemite Valley, and of the land embracing the Mariposa Big-Tree Grove, approved June thirtieth, eighteen hundred and sixty-four; or as affecting any bona-fide entry of land made within the limits above described under any law of the United States prior to the approval of this act. (26 Stat. 650.)

This section and the two sections next following were an act entitled "An act to set apart certain tracts of land in the State of California as forest reservations," cited above.

All the tracts described in this section, not included within the metes and bounds of the land described in Act February 7, 1905, ch. 547, sec. 1, *post*, sec. 647, were included in and made a part of the Sierra Forest Reserve by a proviso annexed to said section.

The recession by the State of California of the Yosemite Valley and the Mariposa Big Tree Grove were accepted, and said tracts together with other lands were reserved and set apart as forest lands, subject to the provisions of this act; and were to form a part of the Yosemite National Park, and certain lands were excluded from said tract by a change of the south and west boundaries thereof and made a part of the Sierra Forest Reserve, by Res. June 11, 1906, No. 27, sec. 1, *post*, sec. 649.

Sec. 645. (Act October 1, 1890, ch. 1263, sec. 2.) Rules and regulations for care and management of reservation; preservation of timber, etc.; leases for buildings; disposition of proceeds; preservation of fish and game; removal of trespassers.

That said reservation shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said reservation, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years of small parcels of ground not exceeding five acres; at such places in said reservation as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases and other revenues that may be derived from any source connected with said reservation to be expended under his direction in the management of the same and the construction of roads and paths therein. He shall provide against the wanton destruction of the fish, and game found within said reservation, and against their capture or destruction, for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and, generally, shall be authorized to take all such meas-

ures as shall be necessary or proper to fully carry out the objects and purposes of this act. (26 Stat. 651.)

See notes to preceding section.

The execution of all laws affecting public lands reserved and proclaimed as forest reservations, except such laws as affect the surveying, prospecting, locating, etc., or patenting of such lands, was transferred from the Secretary of the Interior to the Secretary of Agriculture by Act February 1, 1905, ch. 288, sec. 1, *ante*, sec. 79.

The lands set apart as reserved forest lands by Act February 7, 1905, ch. 547, sec. 1, and by Res. June 11, 1906, No. 27, sec. 1, were made subject to all the provisions of this Act, by provisions of each of said acts, *post*, secs. 647, 649.

The disposition of revenues derived from privileges on lands segregated from Yosemite National Park and included within the Sierra Forest Reserve, and also from privileges in said park, under this Act and said Act February 7, 1905, ch. 547, was provided for by Res. June 11, 1906, No. 27, sec. 3, *post*, sec. 651.

Sec. 646. (Act October 1, 1890, ch. 1263, sec. 3.) Additional lands in California reserved as forest lands.

There shall also be and is hereby reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and shall be set apart as reserved forest lands, as hereinbefore provided, and subject to all the limitations and provisions herein contained, the following additional lands, to wit: Township seventeen, south, range thirty east of the Mount Diablo meridian, excepting sections thirty-one, thirty-two, thirty-three, and thirty-four of said township, included in a previous bill. And there is also reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as forest lands, subject to like limitations, conditions and provisions, all of townships fifteen and sixteen, south, of ranges twenty-nine and thirty east of the Mount Diablo meridian. And there is also hereby reserved and withdrawn from settlement, occupancy or sale under the laws of the United States, and set apart as reserved forest lands under like limitations, restrictions and provisions, Sections five and six in township fourteen, south, range twenty-eight, east of Mount Diablo meridian, and also Sections thirty-one and thirty-two of township thirteen, south, range twenty-eight east of the same meridian. Nothing in this act shall authorize rules or contracts touching the protection and improvement of said reservations, beyond the sums that may be received by the Secretary of the Interior under the foregoing provisions, or authorize any charge against the Treasury of the United States. (26 Stat. 651.)

See notes to sections 1 and 2 of this act, *ante*, secs. 644, 645.

Other lands in California, which adjoin the lands reserved and withdrawn by this section "as reserved forest lands," were reserved and withdrawn and were "dedicated and set apart as a public park," and provisions were made similar to those of section 2 of this act in regard to rules and regulations, leases of ground, preservation of fish and game, trespassers, etc., by Act September 25, 1890, ch. 926, sec. 1, 26 Stat. 478.

Sec. 647. (Act February 7, 1905, ch. 547, sec. 1.) Lands in California reserved and set apart as forest lands; lands segregated from Yosemite National Park included in Sierra Forest Reserve; rights of way over lands; disposition of moneys received for privileges.

That the tracts of land in the State of California known and described as follows: Beginning at the point where the middle of the

channel of the South Fork of the Merced River intersects the line between sections three and four, township four south, range twenty east, Mount Diablo base and meridian; thence northerly along section lines through the middle of townships three and four south, range twenty east, to the northwest corner of section three, township three south, range twenty east; thence westerly along township line to the southwest corner of section thirty-three, township two south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence southerly along range line to the southeast corner of the northeast quarter of section twenty-four, township two south, range nineteen east; thence westerly to the southwest corner of the northeast quarter of section twenty-four, said township; thence southerly to the southeast corner of the southwest quarter of section twenty-four, said township; thence westerly along section lines to the southwest corner of section twenty-three, said township; thence northerly along section lines to the northwest corner of the southwest quarter of section fourteen, said township; thence easterly to the northeast corner of the southeast quarter of section fourteen, said township; thence northerly along section line to the northwest corner of section thirteen, said township; thence easterly along section line to the northeast corner of section thirteen, said township; thence northerly along range line to the northwest corner of the southwest quarter of section seven, township two south, range twenty east; thence easterly to the northeast corner of the southeast quarter of section seven, said township; thence southerly along section line to the northwest corner of section seventeen, said township; thence easterly along section lines to the northeast corner of section sixteen, said township; thence northerly along section lines to the northwest corner of section three, said township; thence westerly along township line to the southwest corner of section thirty-three, township one south, range twenty east; thence northerly along section lines to the northwest corner of section twenty-one, said township; thence westerly along section lines to the southwest corner of section eighteen, said township; thence northerly along range line to the northwest corner of section six, said township; thence westerly along Mount Diablo base line to the southwest corner of section thirty-four, township one north, range nineteen east; thence northerly along section lines through the middle of townships one and two north, range nineteen east, to the point of intersection with the summit of the divide between Cherry Creek on the west and Eleanor and Fall creeks on the east; thence along the summit of said divide in a northeasterly direction to the summit of the Sierra Nevada Mountains; thence southeasterly along the summit of the Sierra Nevada Mountains to the divide between the Merced and San Joaquin rivers; thence southwesterly along said divide to the point of intersection with the south boundary of township four south, range twenty-three east, Mount Diablo base and meridian; thence westerly along township line to the point of intersection with the middle of the channel of the South Fork of the Merced River; thence westerly down the middle of said river to the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and set apart as reserved forest lands,

subject to all the provisions of the Act of Congress approved October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservations:" *Provided*, That all those tracts or parcels of land described in section one of the said Act of October first, eighteen hundred and ninety, and not included within the metes and bounds of the land above described, be, and the same are hereby, included in and made part of the Sierra Forest Reserve: *And provided further*, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the Act approved February fifteenth, nineteen hundred and one, relating to rights of way over certain parks, reservations, and other lands, and other acts concerning rights of way over public lands; and the moneys received from the privileges accorded on the lands herein segregated and included in the Sierra Forest Reserve shall be paid into the Treasury of the United States, to be expended, under the direction of the Secretary of the Interior, in the management, improvement, and protection of the forest lands herein set aside and reserved, which shall hereafter be known as the "Yosemite National Park." (33 Stat. 702.)

This section and the section next following were part of an act entitled "An act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve," cited above.

Section 3 of this act provided that it should take effect on and be in force from and after its passage.

The provisions of Act October 1, 1890, ch. 1263, mentioned in this section, setting apart certain lands in California as forest reservations, are set forth *ante*, secs. 644-646.

Act February 15, 1901, ch. 372, also mentioned in this section, relating to rights of way over certain parks, reservations, and other lands, is set forth *post*, sec. 842.

The execution of all laws affecting public lands reserved and proclaimed as forest reservations, except such laws as affect the surveying, prospecting, locating, etc., or patenting of such lands, was transferred from the Secretary of the Interior to the Secretary of Agriculture by Act of February 1, 1905, ch. 288, sec. 1, *ante*, sec. 79.

The recession by the State of California of the Yosemite Valley and Mariposa Big Tree Grove, which, with other lands, were set apart as reserved forest lands to form a part of Yosemite National Park, was accepted, the south and west boundaries of said park were changed, and the lands thereby excluded from said park were added to and made a part of the Sierra Forest Reserve, with provisions relating thereto similar to those of this act, by Res. June 11, 1906, No. 27, *post*, secs. 649-651.

Provisions similar to those in the last proviso of this section, relating to the disposition of revenues derived from privileges on lands segregated from Yosemite National Park and included within the Sierra Forest Reserve, were contained in Res. June 11, 1906, No. 27, sec. 3, *post*, sec. 651.

The Secretaries of Interior and Agriculture were authorized to exchange timber or timber and lands within Yosemite National Park and Sierra and Stanislaus National Forests for lands and timber thereon; and also to exchange Government lands for patented lands not exceeding 640 acres in Sierra and Stanislaus National Forests, adjacent to Yosemite National Park, said lands so acquired to become a part of said Park, by Act April 9, 1912, ch. 74, sec. 1, as amended by Act April 16, 1914, ch. 58, *post*, sec. 696.

The Secretary of the Interior was authorized, upon recommendation of the Secretary of Agriculture, to exchange lands which are a part of the Sierra National Forest for privately owned timber lands within the

boundaries of Sierra National Forest and Yosemite National Park, such lands acquired within said Forest and Park to become parts thereof, respectively, by Act May 13, 1914, ch. 88, *post*, sec. 700.

Sec. 648. (Act February 7, 1905, ch. 547, sec. 2.) Rights of claimants and owners of lands included in Sierra Forest Reserve; laws, etc., affecting forest reservations applicable within territory included.

That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this Act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this Act from the Yosemite National Park, except as herein otherwise provided. (33 Stat. 703.)

See notes to preceding section.

The lieu-land scrip provisions, referred to in this section, were contained in Act June 4, 1897, ch. 2, sec. 1, Act June 6, 1900, ch. 791, sec. 1, and Act March 3, 1901, ch. 831, sec. 1, and were repealed by Act March 3, 1905, ch. 1495, 33 Stat. 1264. See note to said Act June 4, 1897, ch. 2, sec. 1, *ante*, sec. 544.

Subsequent provisions in the same language as this section, relating to lands included in the Sierra Forest Reserve, were made by Res. June 11, 1906, No. 27, sec. 2, *post*, sec. 650.

Sec. 649. (Res. June 11, 1906, No. 27, sec. 1.) Recession by California of Yosemite Valley and Mariposa Big Tree Grove accepted, and lands made a part of Yosemite National Park; boundaries of park changed, and lands excluded thereby added to Sierra Forest Reserve; payment for privileges and rights of way; restriction on use of rights of way granted for railway purposes.

That the recession and regranteeing unto the United States by the State of California of the cleft or gorge in the granite peak of the Sierra Nevada Mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced River, and known as the Yosemite Valley, with its branches or spurs, granted unto the State of California in trust for public use, resort, and recreation by the Act of Congress entitled "An Act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the Mariposa Big Tree Grove," approved June thirtieth, eighteen hundred and sixty-four (Thirteenth Statutes, page three hundred and twenty-five), as well as the tracts embracing what is known as the "Mariposa Big Tree Grove," likewise granted unto the State of California by the aforesaid Act of Congress, is hereby ratified and accepted, and the tracts of land embracing the Yosemite Valley and the Mariposa Big Tree Grove, as described in the Act of Congress approved June thirtieth, eighteen hundred and sixty-four, together with that part of fractional sections five and six, township five south, range twenty-two east, Mount Diablo meridian, California, lying south of the South Fork of Merced River and almost wholly between the Mariposa Big Tree Grove and the present south boundary of the Yosemite National Park, be, and the same are hereby, reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States and set apart as reserved forest lands, subject to all the limitations, conditions, and provisions of the Act of Con-

gress approved October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservation," as well as the limitations, conditions, and provisions of the Act of Congress approved February seventh, nineteen hundred and five, entitled "An Act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve," and shall hereafter form a part of the Yosemite National Park.

The south and west boundary lines of the Yosemite National Park are hereby changed as follows: Beginning at the point on the line between sections thirty-five and thirty-six, township four south, range twenty-one east, where same intersects the middle of the channel of the South Fork of the Merced River; thence north on section line to the southwest corner of section twenty-five; thence west on section lines to the southwest corner of section twenty-eight; thence north on section line to the northwest corner of section twenty-eight; thence west on section line to the quarter-section corner between sections twenty and twenty-nine; thence north through the middle of section twenty to the center thereof; thence east through the middle of section twenty to the quarter-section corner between sections twenty and twenty-one; thence north on section line to the quarter-section corner between sections sixteen and seventeen; thence west through middle of section seventeen to the center thereof; thence north through the middle of sections seventeen, eight, and five to the quarter-section corner of north boundary of section five on township boundary, all in township four south, range twenty-one east; thence north through the middle of section thirty-two, township three south, range twenty-one east, to the center thereof; thence west through the middle of section thirty-two, said township, and section thirty-six, township three south, range twenty east, to the quarter-section corner between sections thirty-five and thirty-six; thence north on section line to the quarter-section corner between sections twenty-five and twenty-six; thence east through the middle of section twenty-five to the center thereof; thence north through the middle of sections twenty-five and twenty-four to the center of section twenty-four; thence west through the middle of sections twenty-four, twenty-three, and twenty-two to the quarter-section corner between sections twenty-one and twenty-two, township three south, range twenty east, on the present western boundary of the Yosemite National Park. And all that portion of the Yosemite National Park lying between the boundary line last above mentioned and the present boundary line of said national park is excluded from said park; and the said lands so excluded, and all thereof, are added to and made a part of the Sierra Forest Reserve, and shall hereafter form a part of said Sierra Forest Reserve, and shall be subject to all of the Acts of Congress with relation thereto: *Provided*, That the Secretary of the Interior may require the payment of such price as he may deem proper for privileges on the land herein segregated from the Yosemite National Park and made a part of the Sierra Forest Reserve accorded under the Act approved February fifteenth, nineteen hundred and one, relating to rights of way over certain parks, reservations, and other lands, and other Acts concerning rights of way over public lands: *And provided further*, That in the grant of any right of way

for railway purposes across the lands placed under this measure within the Sierra Forest Reserve it shall be stipulated that no logs or timber shall be hauled over the same without the consent of the Secretary of the Interior, and under regulations to be promulgated by him. (34 Stat. 831.)

This section and the two sections next following were a joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same with specified fractional sections, within the Yosemite National Park, and changing the boundaries thereof, cited above.

Act October 1, 1890, ch. 1263, and Act February 7, 1905, ch. 547, mentioned in this section are set forth *ante*, secs. 644-648.

Act February 15, 1901, ch. 372, also mentioned in this section, relating to rights of way through the public lands, forests, and other reservations, is set forth, *post*, sec. 842.

A provision in the same language as the first proviso of this section was annexed to Act February 7, 1905, ch. 547, sec. 1, *ante*, sec. 647, relating to the lands described in this section.

Sec. 650. (Res. June 11, 1906, No. 27, sec. 2.) Rights of claimants and owners of lands included in Sierra Forest Reserve; laws, etc., affecting forest reservations applicable within territory included.

That none of the lands patented and in private ownership in the area hereby included in the Sierra Forest Reserve shall have the privileges of the lieu-land scrip provisions of the land laws, but otherwise to be in all respects under the laws and regulations affecting the forest reserves, and immediately upon the passage of this Act all laws, rules, and regulations affecting forest reservations, including the right to change the boundaries thereof by Executive proclamation, shall take effect and be in force within the limits of the territory excluded by this Act from the Yosemite National Park, except as herein otherwise provided. (34 Stat. 832.)

Previous provisions in the same language as this section, relating to lands included in the Sierra Forest Reserve, were made by Act February 7, 1905, ch. 547, sec. 2, *ante*, sec. 648.

Sec. 651. (Res. June 11, 1906, No. 27, sec. 3.) Disposition of revenues derived from privileges.

That all revenues derived from privileges in the park authorized under the Act of October first, eighteen hundred and ninety, the Act of February seventh, nineteen hundred and five, as well as under this measure, or from privileges accorded on the lands herein segregated from said park and included within the Sierra Forest Reserve, shall be paid into the Treasury of the United States, to be expended under the direction of the Secretary of the Interior in the management, protection, and improvement of the Yosemite National Park. (34 Stat. 832.)

Act October 1, 1890, ch. 1263, and Act February 7, 1905, ch. 547, mentioned in this section, are set forth, *ante*, secs. 644-648.

A previous provision similar to this section, relating to moneys received for privileges on lands segregated from Yosemite National Park and included in Sierra Forest Reserve, was made by Act February 7, 1905, ch. 547, sec. 1, *ante*, sec. 647.

Sec. 652. (Act February 18, 1909, ch. 143, as amended by Act May 7, 1912, ch. 105, sec. 1.) Secretary of Agriculture empowered to acquire title to lands in California; to be known as Calaveras Bigtree National Forest; reimbursement of owners.

That the Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as *Sequoia washingtoniana*, is

hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township four north, range fifteen east, Mount Diablo meridian, the northeast quarter of section one; in township four north, range sixteen east, Mount Diablo meridian, the north half of section six; in township five north, range fifteen east, Mount Diablo meridian, the southwest quarter of section fourteen, south half of section fifteen, north half of section twenty-two, northwest quarter of section twenty-three, and southeast quarter of section thirty-six, and in township five north, range sixteen east, Mount Diablo meridian, the west half of section twenty-eight, the east half and southwest quarter of section twenty-nine, the southeast quarter of section thirty, all of sections thirty-one, thirty-two, and the northwest quarter of section thirty-three. And such area or areas, as fast as complete title is acquired, shall be permanently held by the United States and shall be known as the Calaveras Bigtree National Forest and shall be administered, and protected, by the Secretary of Agriculture from the funds appropriated for the administration of National Forest land to prolong the existence, growth, and promote the reproduction of said big trees: *Provided*, That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forests by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in one or both of the following ways: (1) They may be given the right to file with the Secretary of the Interior, within sixty days after such conveyance, selections of surveyed, unappropriated, nonmineral public lands or of nonmineral national forest lands, and if the lands so selected shall be found subject to selection and of the actual value in lands and stumpage substantially equal to that of the lands and stumpage conveyed they may be patented to said owners in lieu of the conveyed lands: *Provided, however*, That in any case where any part of the lands selected is national forest land, the approval of the Secretary of Agriculture shall first be secured with respect to such part, or (2) the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest land an amount of timber and wood, substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this Act: *Provided*, That nothing contained in this Act shall warrant an appropriation from the Treasury to carry out the terms of this Act. (35 Stat. 626, 37 Stat. 108.)

This was an act entitled "An act to create the Calaveras Bigtree National Forest, and for other purposes," cited above. It was amended by Act May 7, 1912, ch. 105, sec. 1, also cited above, by changing the provisions of the first proviso as to the modes of reimbursement of owners of lands acquired, to read as set forth here. An appropriation of \$10,000 was made for carrying out the provisions of the act, by section 2 of the amending act.

Sec. 653. (Act January 14, 1889, ch. 24, sec. 5, as amended by Act June 27, 1902, ch. 1157, sec. 2.) Sale of pine timber on ceded Indian lands in Minnesota; portion of timber on lands, to be selected as "forestry lands," on certain Indian reservations, reserved from sale; timber and lands on certain islands and points reserved from sale or settlement.

That whenever, and as often as the survey, examination, and lists of one hundred thousand acres of said pine lands or of a less quantity, in the discretion of the Secretary of the Interior, have been made and approved, the Secretary of the Interior shall be, and he hereby is, authorized and directed to sell, under such rules and regulations as he may prescribe, and at such times and places as he may designate, to be scaled under Scribner's rules in the log after being cut, all the merchantable pine timber, whether the same be green or dead, standing or fallen, now on such pine lands, with the exception of five per centum of said timber on certain reservations as hereinafter provided, to be paid for when the timber is cut, banked, and scaled in the manner herein provided for: * * * *Provided further*, That in cutting the timber on two hundred thousand acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to wit, Chippewa of the Mississippi, Leech Lake, Cass Lake, and Winnepigoshish, which said lands so selected shall be known and hereinafter described as "forestry lands," the purchasers shall be required to leave standing five per centum of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said five per centum to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior: *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than one hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates seven thousand acres, and in addition thereto ten sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than three hundred and twenty acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech lakes and the land reserved at Sugar Point and Pine Point Peninsula shall remain as Indian land under the control of the Department of the Interior. (25 Stat. 644; 32 Stat. 401, 402.)

These provisions and the provisions set forth as the two sections next following were paragraphs of Act January 14, 1889, ch. 24, sec. 5, cited above, entitled "An Act for the relief of the Chippewa Indians in the State of Minnesota," as amended by Act June 27, 1902, ch. 1157, sec. 2, also cited above.

Portions of this paragraph, omitted here as indicated preceding the first proviso, relate to details connected with the sale of the timber provided for in the first sentence of the paragraph, and two paragraphs next following the provisions set forth here, also omitted, relate to the cutting and removal

of the timber from lands other than the "forestry lands" referred to in the portion of the paragraph set forth here, and the marketing and scaling of logs and payment therefor.

The preceding sections of this act, omitted here, provided for the cession and relinquishment by the Chippewa Indians of certain reservations in Minnesota; the removal of the Indians therefrom, and the allotment to said Indians of other lands in certain reservations in said State; and the survey of the ceded and relinquished lands, and examination thereof by lots or tracts for the purpose of ascertaining on which lots or tracts was standing or growing pine timber, said timber lands to be termed "pine lands" and all other acquired lands on said reservations to be termed "agricultural lands."

All land selected by the Forester of the Department of Agriculture as authorized by the provisions of this paragraph, and also all the islands in Cass Lake referred to, and in addition the lands described as the one hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is located, were included in and made a part of a national forest, by Act May 23, 1908, ch. 193, sec. 1, *ante*, sec. 656.

Sec. 654. (Act January 14, 1889, ch. 24, sec. 5, as amended by Act June 27, 1902, ch. 1157, sec. 2.) "Forestry lands" selected upon removal of timber, made a part of a forest reserve.

After the merchantable pine timber on any tract, subdivision, or lot shall have been removed, such tract, subdivision, or lot shall, except on the forestry lands aforesaid, for the purposes of this Act, be classed and treated as agricultural lands, and shall be opened to homestead entry in accordance with the provisions of this Act: *Provided*, That on the forestry lands aforesaid, as soon as the merchantable pine timber now thereon shall have been removed from any tract, subdivision, or lot, as herein provided, such tract, subdivision, or lot shall, without further Act, resolution, or proclamation, forthwith become and be part of a forest reserve, the same as though set apart by proclamation of the President in accordance with the Act of Congress approved March third, eighteen hundred and ninety-one, and subsequent laws amending and supplementing the same, and shall be managed and protected in accordance with their provisions and the rules and regulations made and to be made in furtherance thereof: *And provided further*, That on said forestry lands aforesaid said pine timber shall be cut clean, except as to the five per centum as hereinbefore provided, and removed under the supervision and direction of the Forester of the Department of Agriculture, in accordance with rules and regulations to be prescribed by him and approved by the Secretary of the Interior, and the said Forester shall have power at all times to patrol and protect said lands and forests, and to enforce all rules and regulations made by him as aforesaid. (25 Stat. 644; 32 Stat. 403.)

See notes to preceding section.

Act March 3, 1891, ch. 561, sec. 24, referred to in this paragraph, is set forth *ante*, sec. 536.

Sec. 655. (Act January 14, 1889, ch. 24, sec. 5, as amended by Act June 27, 1902, ch. 1157, sec. 2.) Homestead entry of agricultural lands on ceded Indian reservations; agricultural lands on certain Indian reservations, included within or contiguous to forestry lands, reserved from entry and made part of forest reserve.

As soon as practicable after the passage of this Act the Secretary of the Interior shall open to homestead settlement, as herein provided, the lands on all the reservations, or portions of reservations,

which have been ceded to the United States by the Chippewa Indians in Minnesota, including the four reservations last aforesaid, which have been examined and found to be agricultural lands, and shall immediately proceed to have examined, as herein provided, the remaining lands, and shall without delay open to homestead settlement those found to be agricultural lands: *Provided*, That on the four reservations last aforesaid, where agricultural lands are included within or contiguous to forestry land and are, in the opinion of the Forester of the Agricultural Department, necessary to the economical administration and protection of the same, said Forester shall, as soon as practicable after the passage of this Act as to those lands which have already been examined, and as to the lands not yet examined immediately after the examination and approval of the lists of said lands, of which approval said Forester shall be immediately notified by the Secretary of the Interior, file with the Secretary of the Interior schedules designating according to Government subdivisions said agricultural lands, not to exceed fifteen thousand acres of the lands already examined and not to exceed ten thousand acres of the lands yet to be examined, which said agricultural lands so designated shall not be offered for entry and settlement, but shall become and be a part of the forest reserve hereinbefore created. (25 Stat. 644; 32 Stat. 403.)

See notes to sec. 653, *ante*.

All land in any of the four Indian reservations referred to in this section, not included in the national forest created by Act May 23, 1908. ch. 193, theretofore classified as agricultural lands, was declared open to homestead settlement, by section 4 of said act, *post*, sec. 659.

Sec. 656. (Act May 23, 1908, ch. 193, sec. 1.) National forest in Minnesota created; description of lands included.

That there is hereby created in the State of Minnesota a national forest consisting of lands and territory described as follows, to wit:

Beginning at a point where the north line of section thirty-one in township one hundred and forty-eight north, range twenty-eight west, fifth principal meridian, intersects the low water mark of the lake formed by the waters of Third River; thence easterly along the north line of sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six in township one hundred and forty-eight north, ranges twenty-eight and twenty-seven west, continuing easterly along the north line of section thirty-one in township one hundred and forty-eight north, range twenty-six west, to a point where said line intersects the low water mark of Bow String Lake on the west shore; thence southerly along the west side of said lake at low water mark to a point where it crosses the section line between sections sixteen and seventeen in township one hundred and forty-seven north, range twenty-six west; thence southerly along the section line on the east side of sections seventeen, twenty, twenty-nine, and thirty-two in township one hundred and forty-seven north, range twenty-six west, and continuing southerly along the east side of sections five, eight, seventeen, twenty, twenty-nine, and thirty-two, township one hundred and forty-six north, range twenty-six west, continuing southerly along the east line of sections five, eight, seventeen, twenty, and twenty-nine, township one hundred and forty-five north, range twenty-six west to a point at the low water mark on

the right bank of the Mississippi River on the section line between sections twenty-eight and twenty-nine in said township; thence southeasterly along the right bank of the Mississippi River at low water mark to its confluence with Leech Lake River in section twelve in township one hundred and forty-four north, range twenty-six west; thence southwesterly along the right bank of Leech Lake River along the low water mark to Mud Lake; thence along the line of low water mark of Mud Lake on its northern and western shores to the point where Leech Lake River empties into the same on fractional section thirty-two, township one hundred and forty-four north, range twenty-six west; thence up said river along the low water mark on the right bank thereof to a point in fractional section twenty-nine where the line intersects the low water mark of Leech Lake; thence in a northwesterly and southwesterly direction following the contours of said lake at low water mark to the point at low water mark on the shore of said lake on the northeast boundary of the ceded Leech Lake Indian Reservation on section line between sections five and eight, township one hundred and forty-three north, range twenty-nine west; thence in a southwesterly direction following the contours of said lake at low water mark to the point on said lake at the southwestern extremity of Ottertail Point; thence southwesterly in a direct line to the southern extremity of section twenty-five in township one hundred and forty-three north, range thirty-one west; thence in a westerly direction along the contour of said lake to the southwestern extremity of section twenty-six in said township; thence in a northerly and westerly direction along the contour of said lake at low water mark to a point where the center line through section two, running in a north and south direction in township one hundred and forty-three north, range thirty-one west intersects the low water mark of Leech Lake; thence northerly through the middle of said section two to the shore of a small lake at low water mark; thence along the east shore of said lake at low water line to a point where the section line between sections thirty-five and thirty-six, township one hundred and forty-four north, range thirty-one west, intersects low water mark of said lake on north shore; thence northerly on section line between sections thirty-five, thirty-six, twenty-five, and twenty-six to the low water mark at the shore of a small lake; thence northerly along the east side of said lake to a point where the section line between sections twenty-five and twenty-six intersects the low water mark of said lake in said township; thence northerly along the east line of sections twenty-six, twenty-three, and fourteen to a point on the east line of section fourteen, twenty chains north of the southeast corner of section fourteen; thence west twenty chains; thence north twenty chains; thence west twenty chains; thence northerly along the east side of a small lake to a point where the center line running in a north and south direction through section fourteen intersects the north side of said lake at low water mark; thence northerly along the center line of said section through section eleven to the quarter corner between sections two and eleven of said township; thence westerly to a point twenty chains west of the northwest corner of section eleven; thence north forty chains; thence west twenty chains; thence north to a point where the center line running in a north and south direction in section three intersects

the township line between townships one hundred and forty-four and one hundred and forty-five north, range thirty-one west; thence westerly to the quarter quarter corner on the township line in the southeast quarter of section thirty-four in township one hundred and forty-five north, range thirty-one west; thence north twenty chains; thence west forty chains; thence north twenty chains; thence west twenty chains to the quarter corner between sections thirty-three and thirty-four in said township and range; thence northerly along the east line of sections thirty-three, twenty-eight, twenty-one and sixteen in said township to a point where it intersects the right-of-way of the Great Northern Railway as at present located; thence easterly along said right-of-way to a point where it intersects the shore of Cass Lake at low water mark in section fifteen, township one hundred and forty-five north, range thirty-one west; thence northerly along the west shore of Cass Lake and the south, west and north shore of Allen's Bay and the northwest shore of Cass Lake to a point along the contour of said lake at low water mark at the head of the Mississippi River, approximately in section twenty-one, township one hundred and forty-six north, range thirty west; thence easterly along the right bank of said river to a point where the range line between ranges twenty-nine and thirty west intersects said river; thence northerly along the range line to the northwest corner of section nineteen in township one hundred and forty-seven north, range twenty-nine west; thence easterly along the north line of sections nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four in said township and along the north side of sections nineteen and twenty in township one hundred and forty-seven north, range twenty-eight west to a point where said line intersects the left bank of Third River at low water mark; thence northerly along the right bank of Third River to the contour line at low water mark of the lake formed by the waters of Third River; thence southeasterly and northerly along the contour line of said lake to the point of beginning; and it is the intent of this Act to include in said national forest and make a part thereof all that certain territory and land which has heretofore been selected by the Forester of the Department of Agriculture as the ten sections situated in townships one hundred and forty-four, one hundred and forty-five, and one hundred and forty-six north, ranges thirty and thirty-one west of the fifth principal meridian in Minnesota and designated as being the ten sections referred to and authorized to be selected by section two of the Act approved June twenty-seventh, nineteen hundred and two, being chapter eleven hundred and fifty-seven, United States Statutes at Large, volume thirty-two, entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota'", approved January fourteenth, eighteen hundred and eighty-nine; and also all the islands in Cass Lake in the State of Minnesota.

And in addition to the lands and territory above described, the lands described by section two of said Act of June twenty-seventh, nineteen hundred and two, as follows: "One hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located" shall be included in and are hereby made a part of said national forest: *Provided*, That this Act shall not in any manner

abridge the right of citizens to the use of the west and northwesterly shores of Cass Lake. (35 Stat. 268.)

This section and the seven sections next following are an act entitled "An act amending the Act of January fourteenth, eighteen hundred and eighty-nine, and acts amendatory thereof, and for other purpose," cited above.

Section 4 of this act, omitted here, provided for the opening to homestead settlement of lands in designated Indian reservations not included in the national forest created by this act.

Provisions of section 2 of Act June 27, 1902, ch. 1157, amendatory of Act January 14, 1889, ch. 24, sec. 5, referred to in this section, are set forth, *ante*, secs. 653-655.

Nothing in section 27 of Act June 25, 1910, ch. 431, authorizing the Secretary of the Interior to reoffer for sale the unsold pine timber on lands classified as "pine lands" in certain ceded Indian reservations in Minnesota, and authorizing him to open to homestead settlement such lands on which there remains unsold such unsold timber after so reoffering it for sale, shall be held to authorize the opening to settlement or entry of any land included in the national forest created by this act, by a further provision of said section, *post*, sec. 664.

Sec. 657. (Act May 23, 1908, ch. 193, sec. 2.) Sale of pine timber on land outside of certain sections and islands and points by Secretary of Interior; portion selected by Forester of Department of Agriculture reserved from sale; sale or disposition of pine timber on said sections and islands and points by Forester; commission to appraise timber reserve.

The Secretary of the Interior is hereby authorized to proceed with the sale of the merchantable pine timber upon the above-described land outside of said ten sections and said islands and points, in conformity with the provisions of said Act above entitled, and reserving ten per centum of such timber from sale, said ten per centum to be designated by the Forester of the United States Department of Agriculture; and as to the timber upon said ten sections and said islands and points, the said Forester is authorized, under such rules and regulations as he may prescribe from time to time to sell and dispose of so much of the standing timber thereon as he may deem wise and advisable in the conduct of a National Forest: *Provided*, That a commission of three persons shall at once be appointed, consisting of one person to be designated by the President, one by the Secretary of the Interior, and one by a general council of the Indians of the Winnibigoshish, Cass Lake, Chippewas of the Mississippi Reservation, and Leech Lake Reservation to be held under the direction of the agent at Leech Lake Indian Agency; and said commissioners shall proceed forthwith to appraise the value of the five per centum of timber heretofore reserved from sale by the provisions of said Act entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January fourteenth, eighteen hundred and eighty-nine, and the ten per centum hereafter reserved under the provisions of this Act, and the timber upon said ten sections and upon the unappropriated lands on said islands and points, and shall ascertain the acreage of actual land included under the provisions of this Act and to the estimated value of said five per centum of timber reserved under the said Act entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January fourteenth, eighteen hundred and eighty-nine, and the ten per centum reserved under this

Act and the estimated value of timber upon said ten sections and upon the unappropriated lands on said islands and points, to the sum of the values of the timber so estimated shall add an amount equal to one dollar and twenty-five cents for each and every acre of land not otherwise appropriated which they find covered by the provisions of this Act, and shall certify the same to the Secretary of the Interior. The Indians designated in this section, acting through a representative who shall serve without compensation, to be named by them at the time of their appointment of the commissioner herein, shall have sixty days in which to appeal to the President of the United States from the findings of said commissioners, as certified to the Secretary of the Interior. At the end of said sixty days, if no appeal has been taken or if an appeal has been taken, then, upon the determination thereof by the President, the Secretary of the Interior shall certify the amount found by said commissioners, or if modified by the President the amount determined by him, to the Secretary of the Treasury, who shall thereupon place such amount to the credit of all the Chippewa Indians in the State of Minnesota as a part of the permanent fund of said "All of the Chippewa Indians in the State of Minnesota" provided for in an Act of Congress entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and the Acts supplementary thereto, and the amounts so certified to the Secretary of the Treasury shall draw interest at the rate of five per centum per annum, pursuant to the terms of said Acts. (35 Stat. 270.)

See notes to preceding section.

Sec. 658. (Act May 23, 1908, ch. 193, sec. 3.) Exchange of the Indian allotments within the national forest for allotments outside thereof.

That any Indian having an allotment within the limits of the National Forest created by this Act is hereby authorized to relinquish such allotment and permitted to take another allotment in lieu thereof outside such National Forest, under the direction of the Secretary of the Interior; and the allotments of any deceased Indians located within the boundaries of said National Forest shall not hereafter be disposed of under section seven of the Act of June twenty-seventh, nineteen hundred and two (volume thirty-second Statutes at Large, page two hundred and forty-five); but the heirs of said deceased Indians shall have the right, with the consent of the Secretary of the Interior and under such rules as he may prescribe, to relinquish to the United States the lands covered by such allotments and to select surveyed, unappropriated, unreserved land within the limits of any of the ceded Indian lands in the State of Minnesota and outside of the National Forest hereby created in lieu of the land covered by such allotments; and the lands so relinquished by the Indians or their heirs shall thereupon become part of the said National Forest. And the Secretary of the Interior is hereby authorized on request of the Forester of the Department of Agriculture to purchase such relinquishments from said Indians or their heirs and to pay for the same from any moneys received, after the appraisal of timber herein provided for, on account of the sale of timber from the National

Forest hereby created, or from the sale of any other products or the use of any lands or resources thereof. (35 Stat. 271.)

See notes to section 1 of this act, *ante*, sec. 656.

Sec. 659. (Act May 23, 1908, ch. 193, sec. 4.) Agricultural land in Indian reservations not included in the national forest open to homestead settlement.

That all land in any of said reservations, the Winnibigoshish Indian Reservation, Cass Lake Indian Reservation, Chippewas of the Mississippi Reservation, or Leech Lake Indian Reservation not included in the National Forest hereby created as above described, heretofore classified or designated as agricultural lands, is hereby declared to be open to homestead settlement; and any of said land which has been classified as timber land shall be open to homestead settlement as soon and as fast as the timber is removed therefrom, in conformity with the homestead law, except that none of said lands shall be disposed of except on payment of one dollar and twenty-five cents per acre. (35 Stat. 272.)

On the four reservations named in this section, where agricultural lands were included within or contiguous to forestry lands and were, in the opinion of the Forester of the Department of Agriculture, necessary to the economical administration of the same, they were to be reserved from entry and settlement and made a part of the forest reserve, by Act January 14, 1889, ch. 24, sec. 5, as amended by Act June 27, 1902, ch. 1157, sec. 2, *ante*, sec. 655.

See notes to section 1 of this act, *ante*, sec. 656.

Sec. 660. (Act May 23, 1908, ch. 193, sec. 5.) Disposal of moneys received from sale of timber from lands set aside for a national forest.

That all moneys received from the sale of timber from any of the lands set aside by this Act for a National Forest, prior to the appraisal herein provided for, including all moneys received for timber under sales made by the Secretary of the Interior as authorized by existing laws and section two of this Act, shall be placed to the credit of the Chippewa Indians in the State of Minnesota, as provided for in an Act of Congress entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine; and the Acts supplementary thereto, and shall draw interest at the rate of five per centum per annum, pursuant to the terms of said Acts; and after said appraisal the National Forest hereby created, as above described, shall be subject to all general laws and regulations from time to time governing national forests, so far as said laws and regulations may be applicable thereto. (35 Stat. 272.)

See notes to section 1 of this act, *ante*, sec. 656.

Section 2 of this act, referred to in this section, is set forth. *ante*, sec. 657.

Sec. 661. (Act May 23, 1908, ch. 193, sec. 6.) Compensation of appraisal commissioners.

That the commissioners provided for herein shall receive a compensation of ten dollars per day each for each and every day actually spent upon the work herein provided for, which shall be paid out of any money in the Treasury of the United States not otherwise appropriated, and no commissioner shall be paid for more than ten days' service. (35 Stat. 272.)

See notes to section 1 of this act, *ante*, sec. 656.

Sec. 662. (Act May 23, 1908, ch. 193, sec. 7.) Rights of Indians to burial grounds.

None of the Indian graves now upon any of the islands or points referred to in this Act shall be disturbed and the Indians shall continue to have the right to bury their dead at such places as they have heretofore used for that purpose, under the rules and regulations to be prescribed by the Forest Service. (35 Stat. 272.)

See notes to section 1 of this act, *ante*, sec. 656.

Sec. 663. (Act May 23, 1908, ch. 193, sec. 8.) United States not bound to purchase land or guarantee purchasers.

That nothing in this Act contained shall in any manner bind the United States to purchase any of the land in said reservations excluded from the reserve created by this Act, or to dispose of said land, except as provided by the Act of January fourteenth, eighteen hundred and eighty-nine, entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and an Act of June twenty-seventh, nineteen hundred and two, entitled "An Act to amend an Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," or the provisions of this Act; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of the said lands and the timber thereon, and to dispose of the proceeds thereof, as provided in said Acts, only when received from the sale of the timber and the lands, as therein provided. (35 Stat. 272.)

See notes to section 1 of this act, *ante*, sec. 656.

Sec. 664. (Act June 25, 1910, ch. 431, sec. 27.) Provisions for opening to homestead settlement lands on which unsold pine timber is located, in ceded Indian reservations in Minnesota, not to authorize opening to settlement or entry any land included in the national forest created in Minnesota.

That where the Secretary of the Interior has offered for sale the pine timber on lands classified as "pine lands" in the ceded Chippewa Indian reservations in the State of Minnesota, either under the provisions of section five of the Act of Congress approved January fourteenth, eighteen hundred and eighty-nine, entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota" (Twenty-fifth Statutes at Large, page six hundred and forty-two), or under the provisions of the Act of Congress amendatory thereof approved June twenty-seventh, nineteen hundred and two, entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine" (Thirty-second Statutes at Large, page four hundred), or shall hereafter offer for sale the timber on any such "pine lands" under the Act last described, and the same remains unsold, he shall be authorized to sell the timber unsold at any such offering, after inserting notice of the proposed offering once each week for four consecutive weeks in not less than six newspapers or trade journals of general circulation, the first publication of said notice to be at least three calendar months prior to the sale: *Provided*, That this provision shall supersede any other provision of law with reference to the ad-

vertising of Chippewa Indian pine-timber lands for sale: *Provided also*, That printed copies of the rules and regulations and a schedule of the lands and timber shall be furnished applicants therefor at least thirty days prior to the sale: *And provided further*, That except as herein modified the sale shall be conducted in accordance with the provisions of the said Act of June twenty-seventh, nineteen hundred and two. That should there be unsold pine timber on lands classified as "pine lands" after a reoffering under this Act, the Secretary of the Interior is hereby authorized, if he deems it advisable, to open the lands on which such timber is located to homestead settlement, in accordance with the provisions of section six of said Act of January fourteenth, eighteen hundred and eighty-nine, with the condition that the settler shall, at the time of making his original homestead entry, pay for the timber at a rate per thousand feet to be fixed by the Secretary of the Interior, which shall not be less than the minimum price provided by existing law, such payment to be in addition to the price required by law to be paid for the land, the amount of timber to be determined in accordance with existing government estimates, or to be reestimated, if deemed advisable by the Secretary of the Interior, in such manner as he may prescribe and by such agents as he may designate under the authority of the said Act of June twenty-seventh, nineteen hundred and two: *Provided, however*, That nothing herein shall be held to authorize the opening to settlement or entry of any land included in the National Forest created by the Act approved May twenty-third, nineteen hundred and eight, entitled "An Act amending the Act of January fourteenth, eighteen hundred and eighty-nine, and Acts amendatory thereof, and for other purposes." (36 Stat. 862.)

This section was part of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," cited above.

Provisions of Act January 14, 1889, ch. 24, sec. 5, as amended by Act June 27, 1902, ch. 1157, sec. 2, referred to in this section, is set forth, *ante*, secs. 653-655.

Act May 23, 1908, ch. 193, also referred to in this section, is set forth, *ante*, secs. 656-663.

Sec. 665. (Act March 4, 1911, ch. 273.) Relinquishment by State of Oregon of lands in exchange for other lands within national forests; relinquished lands to become parts of national forests.

That the State of Oregon is hereby authorized to relinquish its selection heretofore made under the terms of the Act of August eighteenth, eighteen hundred and ninety-four (Twenty-eighth Statutes, page three hundred and seventy-two), and Acts amendatory and supplemental thereto of the following lands:

Section three; east half, east half of west half, southwest quarter of southwest quarter of section four; southwest quarter, west half of southeast quarter, southeast quarter of southeast quarter of section five; south half of section six; all of sections seven, eight, nine, ten, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, and twenty-two of township twenty-four south, range thirty-three east, Willamette meridian, containing eight thousand seven hundred and ninety-three and forty-seven one-hundredths acres; and the Secretary of the Interior, upon recommendation of the Secretary of Agricul-

ture, may issue patent to said lands in exchange for and upon reconveyance to the United States of the following lands within national forests in the State of Oregon:

All of fractional section thirty-six, township twenty-one south, range twelve east; all of section sixteen, township twenty-one south, range twelve east; the southeast quarter of section thirty-six, township twenty south, range fourteen east; all of section sixteen, township twenty-three south, range sixteen east; the south half of northwest quarter, the northwest quarter of northwest quarter, the northeast quarter of northeast quarter, the south half of section sixteen, township twenty-eight south, range ten east; south half of north half of section sixteen, township fifteen south, range thirty-one east; northwest quarter of northwest quarter of section sixteen, township seventeen south, range thirty-two east; all of section thirty-six, township three south, range forty-seven east; all of section sixteen, township nineteen south, range thirty-one east; southeast quarter of southeast quarter of section sixteen, east half of northeast quarter, west half of northwest quarter of section thirty-six, township twenty south, range thirty-three east; all of section sixteen, township three south, range forty-one east; south half and northwest quarter of section thirty-six, township nineteen south, range thirty-two east; north half of section sixteen, township fourteen south, range thirty-three east; all of sections sixteen and thirty-six, township seven south, range thirty-four east; section sixteen, township eight south, range thirty-two east; all of section thirty-six, township fourteen south, range thirty-five and a half east; all of section thirty-six, township two south, range forty east, Willamette meridian.

Provided, That the timber or undergrowth shall not have been removed from said forest lands: *Provided further*, That upon reconveyance to the United States the lands shall become parts of the national forests in which they are situated. (36 Stat. 1357.)

This was an act entitled "An act authorizing the Secretary of the Interior to exchange certain desert lands for lands within national forests in Oregon," cited above.

Sec. 666. (Act July 31, 1912, ch. 264, sec. 1.) Acceptance from State of Michigan of lands for national forest.

That, upon the request of the Secretary of Agriculture, the Secretary of the Interior may accept on behalf of the United States the conveyance to the United States, by or from the State of Michigan, of any lands owned by the State of Michigan which the said State of Michigan is willing to convey to the United States, and which, in the opinion of the Secretary of Agriculture, should be included in, or made a part of, or set aside as and for a national forest in said State; and upon such acceptance the lands so conveyed shall immediately, and by force of this Act alone, be reserved and set aside as national-forest lands, and be subject to all the laws affecting other national forests. (37 Stat. 241.)

This section and the two sections next following were an act entitled "An act to authorize the exchange of certain lands with the State of Michigan," cited above.

Sec. 667. (Act July 31, 1912, ch. 264, sec. 2.) Selection by State of Michigan of lands in lieu of lands conveyed to the United States; determination whether lands to be conveyed are approximately equal in value to lands selected and whether exchange would be beneficial.

That the State of Michigan is hereby authorized to select, in lieu of any lands conveyed to the United States under the foregoing provisions of this Act, other lands of equal area and approximately equal value from any part of the unappropriated public lands in said State, including lands within a national forest. A description of the lands selected, together with a description of the lands conveyed, or intended to be conveyed under this Act, shall be filed with the Secretary of Agriculture: *Provided*, That the question as to whether any lands intended to be conveyed under the provisions of this Act are approximately equal in value to the lands selected and whether the mutual exchange of said lands would be beneficial to the public interests subserved by the national forests in the State of Michigan shall be determined by the Secretary of Agriculture. (37 Stat. 241.)

See note to preceding section.

Sec. 668. (Act July 31, 1912, ch. 264, sec. 3.) Determination whether lands selected by State are unappropriated; certification of title of lands conveyed to the United States.

That upon the certification to the Secretary of the Interior by the Secretary of Agriculture that the lands selected and the lands conveyed are of equal value, and that the exchange of said lands would be beneficial to the administration of the national forests in the State of Michigan, the Secretary of the Interior shall determine, in accordance with the rules and regulations to be prescribed by him, whether the lands selected by the State are unappropriated lands, and if so found he shall issue a patent for said selected lands to the State of Michigan: *Provided*, That no deed or other instrument of conveyance shall be accepted by the United States until the Attorney General of the United States shall certify that a good and sufficient title to such lands is vested in the United States by said conveyance. (37 Stat. 241.)

See note to section 1 of this act, *ante*, sec. 666.

Sec. 669. (Act February 18, 1911, ch. 115.) Lands reserved and made a part of Pocatello National Forest.

That the following-described lands, to wit, sections three, four, five, six, seven, eight, and nine, township nine south, range thirty-five: section twenty-two, township eight south, range thirty-four; and section one, township nine south, range thirty-four, all in Bannock and Oneida counties, Idaho, be, and the same are hereby, reserved and withdrawn from entry and made a part of and included in the Pocatello National Forest. (36 Stat. 919.)

This was an act entitled "An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest," cited above.

Sec. 670. (Act April 14, 1914, ch. 63.) Lands reserved and made a part of Caribou National Forest.

That the following-described lands, to wit, the west half of section twenty-three and all of sections twenty-six and thirty-five, township

eleven south, range forty-five east, Boise meridian; also sections one and two east half of section ten, sections eleven to fourteen, inclusive, east half of section fifteen, east half of section twenty-two, sections twenty-three to twenty-six, inclusive, east half of section twenty-seven, and sections thirty-one to thirty-five, inclusive, township twelve south, range forty-five east, Boise meridian; also sections one to five, inclusive, north half of section ten, north half of section eleven, and north half of section twelve, township thirteen south, range forty-five east, Boise meridian, be, and the same are hereby, reserved and withdrawn from entry and made a part of and included in the Caribou National Forest Reserve, subject to all prior valid adverse rights. (38 Stat. 346.)

This was an act entitled "An act to reserve certain lands and to incorporate the same and make them a part of the Caribou National Forest Reserve," cited above.

Sec. 671. (Act August 24, 1914, ch. 285.) Lands reserved and made a part of Pike National Forest.

That all lands in the State of Colorado, hereinafter described, to wit:

In township five south, range seventy-one west, sixth principal meridian: West half of southwest quarter, section twenty; southeast quarter of northeast quarter, east half of southeast quarter, northwest quarter of southwest quarter, section twenty-eight; east half of southeast quarter, southwest quarter of southeast quarter, section twenty-nine; west half of northeast quarter, southeast quarter of northeast quarter, southeast quarter, south half of southwest quarter, section thirty-one; northeast quarter, west half of southeast quarter, southeast quarter of southeast quarter, south half of northwest quarter, northeast quarter of northwest quarter, southwest quarter, section thirty-two.

In township sixth south, range seventy-one west, sixth principal meridian: North half of northwest quarter, section five; west half of northeast quarter, west half of southeast quarter, east half of northwest quarter, northwest quarter of northwest quarter, east half of southwest quarter, section six; northwest quarter of northeast quarter, northeast quarter of northwest quarter, section seven.

In township four south, range seventy-two west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, south half of lots two and three, southwest quarter, including lots four, five, and six, section nineteen; south half of southwest quarter, section twenty; west half of southwest quarter, section twenty-nine; south half of southeast quarter, north half of lot one, all of lots two, three, and four, north half of lot five, south half of lot six, section thirty; south half of lot two, all of lot three, section thirty-one.

In township five south, range seventy-two west, sixth principal meridian: Northeast quarter of northeast quarter, south half of northeast quarter, southeast quarter, southeast quarter of northwest quarter, east half of southwest quarter, section twenty-one; south half of northeast quarter, south half of northwest quarter, west half of southwest quarter, northeast quarter of southwest quarter, section twenty-two; west half of southeast quarter, east half of southwest quarter, northwest quarter of southwest quarter, section twenty-three; south half of northeast quarter, northwest quarter of north-

east quarter, southeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, southwest quarter, section twenty-six; southeast quarter of northeast quarter, southeast quarter of southeast quarter, northwest quarter of northwest quarter, northeast quarter of southwest quarter, section twenty-seven; south half of northeast quarter, northwest quarter of northeast quarter, northwest quarter, section twenty-eight; northeast quarter, section twenty-nine; north half of northeast quarter, section thirty-four; west half of northwest quarter, north half of southwest quarter, section thirty-five.

In township six south, range seventy-two west, sixth principal meridian: Lot one, lot two, lot six, northeast quarter of southeast quarter, southwest quarter of southeast quarter, lot three, lot four, lot five, lot eight, west half of southwest quarter, southeast quarter of southwest quarter, section one; east half of lot six, all of lot seven, lot eight, southwest quarter, section two; lot ten, southeast quarter, east half of lot nine, southwest quarter, section three; northeast quarter, southeast quarter, northwest quarter, north half of southwest quarter, southeast quarter of southwest quarter, section ten; all of section eleven; west half of northeast quarter, southeast quarter, northwest quarter, southwest quarter, section twelve; north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter, southwest quarter, section thirteen; southeast quarter, northwest quarter, northwest quarter of southwest quarter, section fourteen; north half of northeast quarter, northeast quarter of northwest quarter, section fifteen.

In township four south, range seventy-three west, sixth principal meridian: South half of northeast quarter, northeast quarter of northeast quarter, southeast quarter, east half of northwest quarter, east half of southwest quarter, section twenty-four: total, nine thousand six hundred and eighty acres, more or less; be, and the same are hereby, reserved subject to all prior valid rights and made a part of and included in the Pike National Forest. (38 Stat. 705.)

This was an act entitled "An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest," cited above.

Sec. 672. (Act March 4, 1915, ch. 173.) Lands reserved and made a part of Pike National Forest.

That all lands in the State of Colorado hereinafter described, to wit:

In township four south, range seventy-two west, sixth principal meridian: Section six, section seven;

In township four south, range seventy-three west, sixth principal meridian: Section one, section two, south half section three, section seven, section eight, section nine, section ten, section eleven, section twelve, section thirteen, section fourteen, section fifteen, section sixteen, section seventeen, section eighteen, section nineteen, section twenty, section twenty-one, section twenty-two, section twenty-three, the northwest quarter of the northeast quarter, west half of the northwest quarter, and west half of the southwest quarter of section twenty-four, section twenty-eight, section twenty-nine, north half and southwest quarter section thirty-two, north half section thirty-three;

In township four south, range seventy-four west, sixth principal meridian: East half section twenty-four, east half section twenty-five; total, sixteen thousand nine hundred and thirty-eight and forty-nine one-hundredths acres, more or less—

be, and the same are hereby, reserved, subject to all prior valid adverse rights, and made a part of and included in the Pike National Forest. (38 Stat. 1194.)

This was an act entitled "An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest," cited above.

Sec. 673. (Act September 8, 1916, ch. 469.) Lands reserved and made a part of Pike National Forest.

That all lands in the State of Colorado described as follows, to wit: Section nineteen and section thirty in township two south, range seventy-two west, sixth principal base and meridian, be, and the same are hereby, reserved, subject to all prior valid adverse rights, and made a part of and included in the Pike National Forest. (39 Stat. 844.)

This was an Act entitled "An act to reserve certain lands and make them a part of the Pike National Forest," cited above.

Sec. 674. (Act August 16, 1916, ch. 345, sec. 1.) Lands added to Teton National Forest.

That the following described areas be and the same are hereby included in and made a part of the Teton National Forest, subject to all prior adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests:

All of section four; east half; east half northwest quarter; east half southwest quarter of section five; east half; east half northwest quarter; east half southwest quarter of section eight; all of section nine; all of section sixteen; the northeast quarter of section seventeen; the east half; north half northwest quarter; northeast quarter southwest quarter; southeast quarter northwest quarter of section twenty-one; all of section twenty-six; east half; north half northwest quarter; southeast quarter northwest quarter; northeast quarter southwest quarter of section twenty-seven, all in township forty north, range one hundred and sixteen west of the sixth principal meridian, State of Wyoming.

The south half; south half northeast quarter; southeast quarter northwest quarter of section nine; all of section sixteen; southeast quarter; southeast quarter northeast quarter; southeast quarter southwest quarter of section seventeen; south half; south half northwest quarter; south half northeast quarter of section nineteen, all in township forty-one north, range one hundred and fifteen west of the sixth principal meridian, State of Wyoming.

The southeast quarter; south half northeast quarter; southeast quarter northwest quarter; east half southwest quarter of section twenty-four; all of section twenty-five; the southeast quarter; east half northeast quarter of section twenty-six; the south half southwest quarter; south half southeast quarter of section thirty-three; the south half southwest quarter; south half southeast quarter of section thirty-four; all of section thirty-five; all of section thirty-six, all in township forty-one north, range one hundred and sixteen west of the sixth principal meridian, State of Wyoming.

The east half southeast quarter of section one; east half; east half northwest quarter; east half southwest quarter of section twelve; all of section thirteen; east half southeast quarter; southeast quarter northeast quarter of section twenty-three; all of section twenty-four; all of section twenty-five; east half; southwest quarter of section twenty-six; all of section thirty-five; all of section thirty-six, all in township forty-two north, range one hundred and fifteen west of the sixth principal meridian, State of Wyoming. (39 Stat. 515.)

This was a section of an act entitled "An act adding certain lands to the Teton National Forest, Wyoming," cited above.

Section 2 of this act, authorizing the addition to Wyoming National Forest of lands chiefly valuable for timber production and stream-flow protection, in certain described areas, by proclamation of the President, is set forth, *post*, sec. 683.

Sec. 675. (Act March 3, 1919, ch. 107.) Lands added to Minam National Forest.

That the following described lands be, and the same are hereby, included in and made a part of the Minam National Forest, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests: Sections thirty-four and thirty-five, the north half of section thirty-six, township seven south, range forty-three east, and sections two and three, township eight south, range forty-three east, all of Willamette meridian, in Oregon. (40 Stat. 1319.)

This was an act entitled "An act to add certain lands to the Minam National Forest, Oregon," cited above.

Sec. 676. (Act February 11, 1920, ch. 67.) Lands added to Ochoco National Forest.

That the following described lands be, and the same are hereby, included in and made a part of the Ochoco National Forest, Oregon, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests: Sections twenty-seven and thirty-four, township seventeen south, range twenty-one east, sections three and ten, and the east half of section nine, township eighteen south, range twenty-one east, all of Willamette meridian and base. (41 Stat. 404.)

This was an act entitled "An act to add certain lands to the Ochoco National Forest, Oregon," cited above.

Sec. 676a. (Act December 20, 1921, ch. 10.) Lands added to Shoshone National Forest.

That the following-described lands are hereby added to the Shoshone National Forest, Wyoming, and made subject to all laws applicable to national forests: West half of section seventeen, all of sections eighteen and nineteen, west half of section twenty, west half of section twenty-nine, all of section thirty, township fifty-two north, range one hundred and five west, all of the sixth principal meridian, Wyoming. (42 Stat. 350.)

This was an act entitled "An act to add certain lands on the North Fork of the Shoshone River to the Shoshone National Forest," cited above.

Sec. 676b. (Act September 22, 1922, ch. 407, sec. 1.) Lands added to Siskiyou National Forest.

That the north half of the northeast quarter, the northeast quarter of the northwest quarter and lot one of section thirty-one, township

thirty-nine south, range six west, of the Willamette meridian, are hereby added to and made a part of the Siskiyou National Forest in Oregon. (42 Stat. 1019.)

This section and the section next following were an act entitled "An act to add certain lands to the Siskiyou National Forest in Oregon."

Sec. 676c. (Act September 22, 1922, ch. 407, sec. 1.) Sale of timber on lands added to Siskiyou National Forest; disposition of proceeds.

That the Secretary of Agriculture is hereby authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by section 1 hereof in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund," referred to in section 10 of the Act of Congress approved June 9, 1916 (Thirty-ninth Statutes, page 218), and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of said Act. (42 Stat. 1019.)

See preceding section and note thereto.

Sec. 677. (Act October 21, 1918, ch. 192.) Oregon and California Railroad lands revested in United States within Oregon National Forest reserved and made a part thereof.

That all of the land contained within the grant by the United States to the Oregon and California Railroad Company that was revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of Oregon and California Railroad Company against United States (Two hundred and thirty-eight United States, page three hundred and ninety-three), and an Act of Congress approved June ninth, nineteen hundred and sixteen, that lies within that part of the Oregon National Forest that is described in the proclamation of the President under date of June seventeenth, eighteen hundred and ninety-two, and designated as Bull Run National Forest, be, and the same hereby is, reserved and set aside as a part of the Oregon National Forest. (40 Stat. 1015.)

This was an act entitled "An act to reserve as a part of the Oregon National Forest certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon and California Railroad Company against the United States," cited above.

The grants of land to the Oregon and California Railroad Company, by Act July 25, 1866, ch. 242, 12 Stat. 239, and Act April 28, 1870, ch. 69, 16 Stat. 94, were revoked, and the title to such lands revested in the United States, by Act June 9, 1916, ch. 137, 39 Stat. 219, mentioned in this act.

Sec. 678. (Act February 11, 1920, ch. 69, sec. 1.) Oregon and California Railroad lands revested in United States, necessary for protection of water supplies of Oregon City, Dallas, Corvallis, and Ashland, Oregon, reserved and set aside a sparts of Oregon, Siuslaw, and Crater National Forests.

That such portions of the lands hereinafter described as shall be deemed necessary by the Secretary of the Interior and the Secretary of Agriculture for the conservation and protection of the water supplies of the cities of Oregon City, Dallas, Corvallis, and Ashland,

Oregon, and which are within the limits of the grant by the United States to the Oregon and California Railroad Company, that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon and California Railroad Company against the United States (two hundred and thirty-eight United States Statutes, page 393), and an Act of Congress approved June 9, 1916, be, and the same are hereby, reserved and set aside as parts of the Oregon, Siuslaw, and Crater National Forests, subject to all laws affecting national forests, as follows:

As part of the Oregon National Forest, south and east of the Willamette meridian, Oregon:

Township five south, range four east, section one, all; section eleven, all; section thirteen, all; section fifteen, north half southeast quarter, southwest quarter and north half; section twenty-three, all; section twenty-five, all; township four south, range five east, section nineteen, all; section twenty-seven, northeast quarter; section twenty-nine, northwest quarter northwest quarter; south half northwest quarter, and south half northeast quarter; section thirty-one, all; section thirty-five, east half, for the protection of the water supply of Oregon City, Oregon.

As part of the Siuslaw National Forest, south and west of the Willamette meridian, Oregon:

Township seven south, range six west section twenty-one, northeast quarter southeast quarter, west half southeast quarter and southwest quarter; section twenty-nine, northeast quarter and south one-half; section thirty-three, north half northeast quarter, northwest quarter and southeast quarter, for the protection of the water supply of Dallas, Oregon.

Township twelve south, range seven west, section fifteen, south half southwest quarter, northwest quarter southwest quarter, and southwest quarter southeast quarter; section twenty-one, southeast quarter, and north half; section twenty-three, southwest quarter northwest quarter, and west half southwest quarter; section twenty-seven, all; section thirty-five, north half, for the protection of the water supply of Corvallis, Oregon.

As part of the Crater National Forest, south and east of the Willamette meridian in Oregon:

Township thirty-nine south, range one east, section nineteen, east one-half; section twenty-one, east one-half of west one-half, and east one-half, for the protection of the water supply of Ashland, Oregon. (41 Stat. 405.)

This and the section following were an act entitled "An act to add to the Oregon, Siuslaw, and Crater National Forests in Oregon certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon and California Railroad Company against the United States, and for other purposes," cited above.

See notes to Act October 21, 1918, ch. 192, *ante*, sec. 677.

Sec. 678a. (Act February 11, 1920, ch. 69, sec. 2.) Disposition of merchantable timber authorized and proceeds thereof; disposition of unnecessary lands.

That when the Secretary of Agriculture finds that merchantable timber may be cut from the above-described lands without detriment to the purity of or depletion of the water supply, said Secretary is

hereby authorized to dispose of such merchantable timber on the lands added to said national forests by section 1 hereof in accordance with the regulations of the Secretary of Agriculture for the national forests and the entire proceeds of any sale there shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund," referred to in section 10 of the said Act of June 9, 1916, and be disposed of in the manner therein designated: *Provided*, That in the event any of said lands are eliminated from said forests as not necessary for the purposes for which this reservation is made they shall be disposed of in the manner provided for by said Act of June 9, 1916. (41 Stat. 406.)

See note to preceding section.

Sec. 679. (Act May 20, 1920, ch. 191, sec. 1.) Lands included within Oregon National Forest; prior rights not impaired.

That the boundary of the Oregon National Forest, in the State of Oregon, is hereby changed to include the following lands, subject to all the laws and regulations governing the national forests: Township one south, range six east, section six; that part of township one north, range six east, lying south of the Columbia River not now included in said forest; township two north, range six east, all of sections thirty-four, thirty-five, and thirty-six south of the Columbia River: *Provided*, That this action shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved so long as such appropriation is legally maintained or such reservation remains in force. (41 Stat. 605.)

This was a section of an act entitled "An act to enlarge the boundaries of the Oregon National Forest," cited above.

Section 2 of this act, authorizing the exchange of nonmineral lands or timber in Oregon National Forest for privately owned lands within the exterior limits of said forest, such lands acquired to become parts of said forest, is set forth, *post*, sec. 717.

Sec. 680. (Act October 29, 1919, ch. 88.) Lands reserved and added to Idaho National Forest and Payette National Forest.

That, subject to the approval of the Secretary of the Interior, all public lands in central Idaho within the tract commonly known as the Thunder Mountain region, bounded by the Idaho, Salmon, Challis, and Payette National Forests, are hereby reserved and set apart as national forest lands, as follows, subject to all valid existing claims, and the said lands shall hereafter be subject to all laws affecting the national forests: That part of the said tract lying north of the fourth standard parallel north, Boise meridian and base, is hereby added to and made a part of the Idaho National Forest; and that part of the said tract lying south of the said fourth standard parallel is hereby added to and made a part of the Payette National Forest. (41 Stat. 324.)

This was an act entitled "An act adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho," cited above.

Sec. 681. (Act August 10, 1912, ch. 284.) Fort Wingate military reservation made part of Zuni National Forest.

That all of the military reservation of Fort Wingate, New Mexico, as described in Executive order of May thirty-first, nineteen hundred and eleven (Number thirteen hundred and sixty-seven), shall become a part of the Zuni National Forest and shall so remain until said order shall be revoked, modified, or suspended by the President, but that the said lands shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States. (37 Stat. 286.)

This was a provision of the agricultural appropriation act for the fiscal year 1913, cited above.

Sec. 682. (Act March 3, 1905, ch. 1479.) Reservation as an addition to Uintah Forest Reserve of lands within the Uintah Indian Reservation.

That before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart and reserve as an addition to the Uintah Forest Reserve, subject to the laws, rules, and regulations governing forest reserves, and subject to the mineral rights granted by the Act of Congress of May twenty-seventh, nineteen hundred and two, such portion of the lands within the Uintah Indian Reservation as he considers necessary, and he may also set apart and reserve any reservoir site or other lands necessary to conserve and protect the water supply for the Indians or for general agricultural development, and may confirm such rights to water thereon as have already accrued: *Provided*, That the proceeds from any timber on such addition as may with safety be sold prior to June thirtieth, nineteen hundred and twenty, shall be paid to said Indians in accordance with the provisions of the Act opening the reservation. (33 Stat. 1070.)

This was a paragraph of the Indian appropriation act for the fiscal year 1906, cited above.

The provisions of Act May 27, 1902, ch. 288, sec. 1, 32 Stat. 263, referred to in this paragraph, save unimpaired mineral sites on lands on the Uintah Indian Reservation existing before the allotment of tracts to the Indians and the restoration of unallotted lands to the public domain.

Sec. 683. (Act August 16, 1916, ch. 345, sec. 2.) Addition to Wyoming National Forest of lands valuable for timber production and stream-flow protection.

That any lands within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Wyoming National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections nine to fifteen, inclusive, and sections twenty-two, twenty-three, and twenty-four, all in township twenty-five north, range one hundred and sixteen west, sixth principal meridian. (39 Stat. 516.)

This was a section of an act entitled "An act adding certain lands to the Teton National Forest, Wyoming," cited above.

Section 1 of this act, included in and making a part of Teton National Forest certain described lands, is set forth, *ante*, sec. 674.

Sec. 684. (Act September 8, 1916, ch. 474.) Addition to Colorado National Forest and Pike National Forest of lands valuable for timber production and stream-flow protection; additional homestead entries permitted.

That any lands within the following-described areas, found to be chiefly valuable for the production of timber or the protection of stream flow, may be included within and made parts of the Colorado or Pike National Forests by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests, and as otherwise provided herein.

Sixth principal meridian and base, State of Colorado:

Township one north, range seventy-one west: Sections twenty-nine to thirty-two, inclusive.

Township one north, range seventy-two west: Sections one to eleven, inclusive; sections fourteen to twenty-three, inclusive; sections twenty-five to twenty-eight, inclusive; sections thirty-three to thirty-six, inclusive.

Township two north, range seventy-one west: Sections two to ten, inclusive; sections fifteen to twenty-two, inclusive; sections twenty-seven to thirty-four, inclusive.

All of township two north, range seventy-two west.

Township two north, range seventy-three west: All of section thirty-six.

Township three north, range seventy-one west: Sections four to nine, inclusive; sections seventeen to twenty-one, inclusive; sections twenty-six to twenty-nine, inclusive; north half of section thirty; south half of section thirty-one; sections thirty-two to thirty-five, inclusive.

Township three north, range seventy-two west: Sections one to thirty-five, inclusive.

Township three north, range seventy-three west: Sections one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six.

Township four north, range seventy-one west: Sections three to ten, inclusive; west half of section fourteen; sections fifteen to twenty-three, inclusive; sections twenty-six to thirty-three, inclusive.

Township four north, range seventy-two west: Sections one to five, inclusive; east half of section six; east half of section seven; sections eight to thirty, inclusive; that portion of section thirty-one lying north and east of the main hydrographic divide east of Cow Creek; sections thirty-two to thirty-six, inclusive.

Township four north, range seventy-three west: All those portions of sections ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-two, twenty-three, twenty-four, twenty-five, and thirty-six lying north and east of the divide between Aspen Brook and Fish Creek, Aspen Brook and Lily Lake, and of the main hydrographic divide east of Cow Creek.

Township five north, range seventy west: Sections four to nine, inclusive; sections seventeen and eighteen; north half of section nineteen; north half of section twenty.

Township five north, range seventy-one west: Sections one to fourteen, inclusive; north half and southeast quarter of section fifteen; sections seventeen to twenty-one, inclusive; sections twenty-seven to thirty-four, inclusive; west half of section thirty-five.

Township five north, range seventy-two west: Sections one to five, inclusive; sections ten to fifteen, inclusive; sections twenty-one to twenty-eight, inclusive; east half of section thirty-two; sections thirty-three to thirty-six, inclusive.

Township six north, range seventy west: Sections seven, eight, seventeen, eighteen, nineteen, and twenty; west half of section twenty-one; west half of section twenty-eight; sections twenty-nine to thirty-three, inclusive.

All of township six north, range seventy-one west.

Township six north, range seventy-two west: Sections one, twelve, thirteen, fourteen, and fifteen; sections twenty-two to twenty-eight, inclusive; sections thirty-two to thirty-six, inclusive.

Township seven north, range seventy west: Sections two to eleven, inclusive; sections fourteen to thirty, inclusive; north half of section thirty-two; sections thirty-three, thirty-four, and thirty-five.

Township seven north, range seventy-one west: Sections one to thirty-five, inclusive.

Township seven north, range seventy-two west: All of section one; east half of section two; sections ten to fifteen, inclusive; sections twenty-two, twenty-three, twenty-four, twenty-five, and thirty-six.

Township eight north, range seventy west: West half of section four; sections five to eight, inclusive; west half of section nine; sections seventeen to twenty-two, inclusive; sections twenty-seven to thirty-five, inclusive.

All of township eight north, range seventy-one west.

Township eight north, range seventy-two west: All of section one.

Township nine north, range seventy west: Sections seven to ten, inclusive; sections fourteen to twenty-three, inclusive; sections twenty-eight to thirty-three, inclusive.

Township nine north, range seventy-one west: Sections twelve and thirteen; sections twenty-four to thirty-six, inclusive.

All of township nine north, range seventy-two west.

Township nine north, range seventy-three west: Sections one to six, inclusive; sections nine to sixteen, inclusive; sections twenty-one to twenty-eight, inclusive; sections thirty-three to thirty-six, inclusive.

Township ten north, range seventy-two west: Sections two to eleven, inclusive; north half of section twelve; sections fourteen to twenty-four, inclusive; sections twenty-six to thirty-five, inclusive.

All of township ten north, range seventy-three west.

Township ten north, range seventy-four west: Sections one to four, inclusive; sections ten, eleven, twelve, thirteen, twenty-four, and twenty-five.

Township eleven north, range seventy-two west: Sections two to eleven, inclusive; north half of section twelve; sections fourteen to twenty-four, inclusive; sections twenty-six to thirty-four, inclusive.

All of township eleven north, range seventy-three west.

Township eleven north, range seventy-four west: Sections two to six, inclusive; sections eight to thirty-six, inclusive.

Township eleven north, range seventy-five west: Sections six, seven, eight, and fourteen; sections seventeen to thirty-one, inclusive.

Township twelve north, range seventy-two west: Fractional sections nineteen and twenty; sections twenty-eight to thirty-four, inclusive.

Township twelve north, range seventy-three west: Fractional sections nineteen to twenty-four, inclusive; sections twenty-five to thirty, inclusive; sections thirty-two to thirty-six, inclusive.

Township twelve north, range seventy-four west: Fractional sections twenty-three and twenty-four; section twenty-six.

Township one south, range seventy-one west: Sections four to seven, inclusive; west half and northeast quarter of section eight; north half of section nine; west half of section seventeen; sections eighteen and nineteen; west half of section twenty; northwest quarter of section twenty-nine; north half of section thirty.

Township one south, range seventy-two west: Sections one to four, inclusive; sections nine to sixteen, inclusive; sections twenty-one to twenty-eight, inclusive; sections thirty-one to thirty-six, inclusive.

Township two south, range seventy-one west: Sections two to ten, inclusive.

Township two south, range seventy-two west: Sections one to twelve, inclusive.

Provided, That the Secretary of the Interior may, in his discretion, continue thereafter to allow additional entries, within the previously described areas, under the provisions of section three of the Act approved February nineteenth, nineteen hundred and nine, entitled "An Act to provide for an enlarged homestead," as amended by the Act approved March third, nineteen hundred and fifteen (Thirty-eight Statutes, page nine hundred and fifty-six). (39 Stat. 848.)

This was an Act entitled "An act authorizing the addition of certain lands to the Colorado and Pike National Forests, Colorado," cited above.

Sec. 685. (Act September 8, 1916, ch. 476, sec. 1.) Addition to Whitman National Forest of lands valuable for timber production and stream-flow protection.

That any land within the following-described areas found by the Secretary of Agriculture to be chiefly valuable for the production of timber or for the protection of stream flow may be included within and made part of the Whitman National Forest, in the State of Oregon, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Township eleven south, range thirty-four east; townships eleven and twelve south, range thirty-five east; township ten south, range thirty-five and one-half east; townships ten and eleven south, range thirty-six east, Willamette meridian, in the State of Oregon. (39 Stat. 852.)

This was a section of an Act entitled "An act authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes," cited above.

Section 2 of this act, authorizing the exchange of timber in or near Whitman National Forest for privately owned lands valuable for timber production or stream-flow protection within said forest, is set forth, *post*, sec. 710.

Sec. 686. (Act February 17, 1917, ch. 85.) Addition of lands to Missoula National Forest.

That the following unsurveyed areas which by protraction of the public surveys in adjoining townships would probably be described as section one, section two, section eleven, and section twelve, all in township nine north, range fifteen west; and section twenty-five, section thirty-five, and section thirty-six, all in township ten north,

range fifteen west, Montana principal meridian, be, and the same are hereby, included in and made a part of the Missoula National Forest, subject to all prior valid adverse rights, and that said lands shall hereafter be subject to all laws affecting national forests. (39 Stat. 922.)

This was an act entitled "An act adding certain lands to the Missoula National Forest, Montana," cited above.

Sec. 687. (Act February 25, 1919, ch. 20.) Addition to Wyoming National Forest of lands valuable for timber production or stream-flow protection.

That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Wyoming National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: All of township twenty-nine north, range one hundred and eighteen west; all of township twenty-nine north, range one hundred and nineteen west; sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty-three, township thirty north, range one hundred and eighteen west; all of township thirty north, range one hundred and nineteen west; sections seven, eighteen, nineteen, thirty, thirty-one, and west half of section thirty-two, township thirty-one north, range one hundred and eighteen west; sections nineteen to thirty-six, inclusive, township thirty-one north, range one hundred and nineteen west; all of the sixth principal meridian, Wyoming. (40 Stat. 1152.)

This was an act entitled "An act to authorize the addition of certain lands to the Wyoming National Forest," cited above.

Sec. 688. (Act March 3, 1919, ch. 102.) Addition to Modoc National Forest of lands valuable for timber production and stream-flow protection, etc.

That any lands within those certain portions of Modoc and Siskiyou Counties, California, found by the Secretary of Agriculture to be available for the production of timber or the protection of stream flow or regulation and improvement of the grazing thereon described as follows, to wit:

Commencing at that point on the California-Oregon State line where the same crosses the west line of the Modoc National Forest, being in section twenty-nine, township forty-eight north, range eight east, Mount Diablo meridian; thence southerly and westerly, following the meanderings of the said west line of said Modoc National Forest to the point where the same crosses the south line of township forty-five north, range four east, Mount Diablo meridian, at the southeast corner of section thirty-four in said township; thence west following the section lines to the southwest corner of township forty-five north, range three east, Mount Diablo meridian; thence north along the township line between ranges two and three to the point where the same crosses or intersects the California-Oregon State line; thence east along said State line to the point of beginning; also all of sections thirty-four and thirty-five, township forty-eight north, range sixteen east, and the west half of section two and all of section

three, in township forty-seven north, range sixteen east, Mount Diablo meridian, with the approval of the Secretary of the Interior, be included in and made a part of Modoc National Forest, California, by proclamation of the President, for the purpose of production of timber, protection of stream flow, or regulation and improvement of the grazing thereon, and thereafter to be governed, controlled, and used under the same rules and regulations now in force or to be hereafter adopted governing said Modoc National Forest. (40 Stat. 1316.)

This was an act entitled "An act to include certain lands in the counties of Modoc and Siskiyou, California, in the Modoc National Forest, California, and for other purposes," cited above.

Sec. 689. (Act June 5, 1920, ch. 262.) Addition to Caribou National Forest of lands valuable for timber production and stream-flow protection; existing rights not affected.

That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Caribou National Forest, Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections twenty-six and twenty-seven, township nine south, range forty-six east, Boise meridian; northwest quarter of section one, all of section two, east half of section twelve, all of sections thirteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six, township ten south, range forty-five east, Boise meridian; all of sections six, seven, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five, township ten south, range forty-six east, Boise meridian, unsurveyed; all of sections one, two, eleven, twelve, thirteen, fourteen, east half of section twenty-three, all of twenty-four, twenty-five, and thirty-six, township eleven south, range forty-five east, Boise meridian; all of unsurveyed township eleven south, range forty-six east, Boise meridian; all of section thirty-six, township twelve south, range forty-five east, Boise meridian; all of sections two, three, four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-nine, thirty, thirty-one, thirty-two, of township twelve south, range forty-six east, Boise meridian, partly unsurveyed; all of sections five and six, and north half of section seven, and north half of section eight, township thirteen south, range forty-six east, Boise meridian: *Provided*, That the inclusion of any of the aforesaid lands in the Caribou National Forest shall not affect adversely any valid application or entry pending at the date of the approval of this Act. (41 Stat. 1056.)

This was an act entitled "An act to authorize the addition of certain lands to the Caribou National Forest," cited above.

Sec. 690. (Act March 1, 1921, ch. 92.) Addition to Weiser National Forest lands valuable for timber production and stream-flow protection.

That any lands within the following-described areas found after examination by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow may,

with the approval of the Secretary of the Interior, be included within and made a part of the Weiser National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

Sections six, seven, eighteen, thirty, and thirty-one, township fourteen north, range four west; sections one, twelve, thirteen, twenty-three, twenty-four, twenty-five, twenty-six (the south half and the northeast quarter of section twenty-seven), sections thirty-four and thirty-five, township fourteen north, range five west; sections one to twelve, inclusive, township thirteen north, range five west; sections one and two, township thirteen north, range six west; all of the Boise meridian and base, Idaho. (41 Stat 1194.)

This was an act entitled "An act to authorize the addition of certain lands to the Weiser National Forest, Idaho," cited above.

Sec. 691. (Act March 1, 1921, ch. 96.) Addition to Nez Perce National Forest of lands valuable for timber production or stream flow protection.

That any lands within the following-described areas found by the Secretary of Agriculture and the Secretary of the Interior to be chiefly valuable for the production of timber or the protection of stream flow may be included within and made a part of the Nez Perce National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

North half of township twenty-six north, range six east; the south half of township twenty-seven north, range six east; the southwest quarter of township twenty-seven north, range seven east; and the northwest quarter of township twenty-six north, range seven east, Boise meridian. (41 Stat. 1196.)

This was an act entitled "An act to authorize the addition of certain lands to the Nez Perce National Forest, Idaho," cited above.

Sec. 692. (Act March 1, 1921, ch. 98.) Addition to Targhee National Forest of lands valuable for timber production or stream flow protection.

That all unappropriated public lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Targhee National Forest, in Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: Sections one, two, three, four, nine to sixteen, inclusive, twenty-one to twenty-eight, inclusive, thirty-four, thirty-five, thirty-six, township twelve north, range thirty-two east; all township thirteen north, range thirty-two east; all township thirteen north, range thirty-three east; all of Boise meridian and base: *Provided*, That the provisions of this Act shall not affect any existing valid adverse claim heretofore initiated. (41 Stat. 1198.)

This was an act entitled "An act to add certain lands to the Targhee National Forest," cited above.

Sec. 693. (Act March 1, 1921, ch. 101.) Addition of lands to Lemhi National Forest valuable for timber production and stream-flow protection.

That all unappropriated public lands within the following-described areas, found by the Secretary of Agriculture to be chiefly

valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Lemhi National Forest, in Idaho, by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests:

Boise meridian and base: Township two north, range twenty-three east, sections one, two, three, ten, eleven, and twelve. Township two north, range twenty-four east, sections six and seven. Township three north, range twenty-two east, sections thirteen, fourteen, twenty-three, twenty-four, twenty-five, and twenty-six. Township three north, range twenty-three east, sections twelve, thirteen, nineteen; sections twenty-three to thirty, inclusive; sections thirty-four, thirty-five and thirty-six. Township three north, range twenty-four east, sections one and two; section five, west half; sections six and seven; section eight, west half; sections eleven, twelve, thirteen, and fourteen; section seventeen, west half; sections eighteen and nineteen; section twenty, west half; section twenty-nine, west half; sections thirty and thirty-one. Township four north, range twenty-four east, sections twelve and thirteen; sections twenty-three to twenty-six, inclusive; sections thirty-one, thirty-five, and thirty-six. Township four north, range twenty-five east, sections one to five, inclusive; sections seven to twelve, inclusive; sections seventeen to twenty, inclusive; sections twenty-nine to thirty-two, inclusive. Township four north, range twenty-eight east, sections two to eleven, inclusive; sections fourteen to twenty-one, inclusive. Township five north, range twenty-four east, sections one to thirty-five, inclusive. Township five north, range twenty-five east, sections four to nine, inclusive; sections seventeen to twenty, inclusive; sections twenty-three to twenty-seven, inclusive; sections thirty-three to thirty-six, inclusive. Township five north, range twenty-six east, sections one, twelve, thirteen, twenty-four, and twenty-five. Township five north, range twenty-seven east, sections three to eleven, inclusive; sections fourteen to thirty, inclusive. Township five north, range twenty-eight east, sections eleven, fourteen, twenty-three, twenty-five to thirty-six, inclusive. Township six north, range twenty-four east, sections four to nine, inclusive; sections sixteen to thirty-six, inclusive. Township six north, range twenty-six east, sections three, four, nine, ten, eleven, thirteen, fourteen, fifteen, twenty-three, twenty-four, and twenty-five; section twenty-six, east half; section thirty-six, all. Township six north, range twenty-seven east, sections nineteen, thirty, thirty-one, and thirty-two. Township seven north, range nineteen east, sections one to four, inclusive; sections ten to twelve, inclusive. Township seven north, range twenty east, sections one, two, ten, eleven, and twelve. Township seven north, range twenty-one east, sections one to twelve, inclusive. Township seven north, range twenty-two east, sections four to eighteen, inclusive; sections twenty-three and twenty-four. Township seven north, range twenty-three east, sections seventeen to twenty-four, inclusive; sections twenty-eight, twenty-nine, thirty, thirty-two, and thirty-three. Township seven north, range twenty-four east, sections thirteen, nineteen, twenty-four, thirty, and thirty-one. Township seven north, range twenty-five east, sections nineteen, twenty, and twenty-one. Township seven north, range twenty-six east, sections twenty,

twenty-eight, twenty-nine, thirty-two, and thirty-three. Township eight north, range nineteen east, sections one to five, inclusive; sections eight to seventeen, inclusive; sections twenty to twenty-nine, inclusive; sections thirty-three to thirty-six, inclusive. Township eight north, range twenty east, sections one to twenty-three, inclusive; sections twenty-eight, twenty-nine, thirty, and thirty-one. Township eight north, range twenty-one east, sections twenty-five, twenty-six, twenty-seven; sections thirty-one to thirty-six, inclusive. Township eight north, range twenty-two east, sections thirty and thirty-one. Township eight north, range twenty-three east, sections four, five, and six; section seven, north half; section eight, north half; section nine, all. Township eight north, range twenty-six east, sections one to four, inclusive; sections ten to thirteen, inclusive. Township eight north, range twenty-seven east, sections five to eight, inclusive; sections seventeen to twenty, inclusive; sections twenty-nine, thirty, and thirty-two. Township nine north, range twenty-two east, sections three, four, eleven, thirteen, fourteen, twenty-three, twenty-four, and twenty-five. Township nine north, range twenty-three east, section thirty-one, all. Township nine north, range twenty-four east, sections one to four, inclusive; section twelve, all. Township nine north, range twenty-five east, sections one to seventeen, inclusive; sections twenty-one to twenty-six, inclusive; sections thirty-five and thirty-six. Township nine north, range twenty-six east, section ten, south half; sections fourteen, fifteen, and sixteen; sections nineteen to thirty-six, inclusive. Township nine north, range twenty-seven east, sections thirty, thirty-one, and thirty-two. Township nine north, range twenty-nine east, sections four, five, six, and nine; section ten, south half; section eleven, south half. Township nine north, range thirty east, sections one and twelve. Township nine north, range thirty-one east, sections six, seven, eight, sixteen, seventeen, eighteen, and twenty-one. Township ten north, range twenty-two east, sections five to eight, inclusive; sections sixteen, seventeen, twenty, twenty-one, twenty-eight, twenty-nine, and thirty-three. Township ten north, range twenty-nine east, sections seven, eighteen, nineteen, and twenty; sections twenty-nine to thirty-three, inclusive. Township ten north, range thirty east, sections one to four, inclusive; sections nine to sixteen, inclusive; sections twenty-one to twenty-eight, inclusive; sections thirty-four, thirty-five, and thirty-six. Township ten north, range thirty-one east, sections nineteen, thirty, and thirty-one. Township eleven north, range twenty-one east, section four, east half; sections thirteen, fourteen, and fifteen; sections twenty-two to twenty-seven, inclusive; sections thirty-four, thirty-five, and thirty-six. Township eleven north, range twenty-two east, section one, all; sections nineteen, twenty-nine, thirty, thirty-one, and thirty-two. Township eleven north, range twenty-three east, sections five and six. Township eleven north, range thirty east, sections five, six, eight, and seventeen; section twenty, east half; sections twenty-one, twenty-seven, twenty-eight, thirty-three, and thirty-four. Township twelve north, range twenty-one east, sections seven and eighteen; section nineteen, east half; section twenty-nine, all; section thirty-two, north half; section thirty-three, all. Township twelve north, range twenty-two east, section thirty-six, all. Township twelve north, range twenty-three east, section thirty-one, all. Township twelve north, range twenty-

four east, sections two and eleven. Township twelve north, range twenty-nine east, sections one to four, inclusive; section nine, east half; sections ten to fifteen, inclusive; section twenty-two, east half; sections twenty-three, twenty-four, and twenty-five; section twenty-six, east half; section thirty-six, all. Township twelve north, range thirty east, sections five to eight, inclusive; sections seventeen to twenty, inclusive; sections twenty-nine to thirty-two, inclusive. Township thirteen north, range twenty-four east, sections five, nine, fifteen, twenty-two, twenty-seven, and thirty-five. Township thirteen north, range twenty-nine east, sections twenty-seven to twenty-nine, inclusive; sections thirty-two to thirty-six, inclusive. Township thirteen north, range thirty east, section thirty-one, all. Township fourteen north, range twenty-three east, sections two to five, inclusive; section eight, east half; sections nine, ten, eleven, thirteen, fourteen, and fifteen; section twenty-four, east half. Township fourteen north, range twenty-four east, sections nineteen, twenty, and twenty-nine; section thirty, east half; section thirty-two, all. Township fifteen north, range twenty-two east, sections three, four, five, eight, nine, ten, thirteen, fourteen, fifteen, twenty-three, twenty-four, and twenty-five. Township fifteen north, range twenty-three east, sections eighteen, nineteen, twenty-eight, twenty-nine, thirty, thirty-two, thirty-three, and thirty-four. Township sixteen north, range twenty-two east, sections thirty-two, thirty-three, and thirty-four. (41 Stat. 1199.)

This was an act entitled "An act to add certain lands to the Lemhi National Forest, Idaho," cited above.

Sec. 693a. (Act January 11, 1922, ch. 24.) Addition to Minidoka National Forest of lands valuable for timber production or stream flow protection.

That any lands within the following-described areas, found by the Secretary of Agriculture to be chiefly valuable for the production of timber or the protection of stream flow, may, with the approval of the Secretary of the Interior, be included within and made a part of the Minidoka National Forest by proclamation of the President, said lands to be thereafter subject to all laws affecting national forests: East half of section one, east half of section twelve, northeast quarter and south half of section thirteen, sections twenty-four, twenty-five, and thirty-six, township thirteen south, range twenty-three east; section seventeen, east half of section eighteen, northeast quarter and south half of section nineteen, sections twenty, twenty-one, south half of section twenty-four, northeast quarter and south half of section twenty-six, south half of section twenty-seven, sections twenty-eight, twenty-nine, thirty, and thirty-one, township twelve south, range twenty-four east, sections six, seven, eighteen, nineteen, thirty, and thirty-one, township thirteen south, range twenty-four east; south half of section nineteen, township twelve south, range twenty-five east, and west half of section twenty, township thirteen south, range twenty-five east, Boise meridian, Idaho: *Provided*, That the inclusion of any of the aforesaid lands in the Minidoka Forest shall not affect adversely any valid application or entry pending at the date of the approval of this Act. (42 Stat. 355.)

This was an act entitled "An act to add certain lands to Minidoka National Forest," cited above.

Sec. 693b. (Act March 20, 1922, ch. 105.) Exchange of land or timber within national forests for lands within exterior limits thereof; publication of notice; cutting timber; lands acquired to become parts of national forests.

That, when the public interests will be benefited thereby, the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the exterior boundaries of the national forests which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may patent not to exceed an equal value of such national forest land, in the same State, surveyed and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange. Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest within whose exterior boundaries they are located. (42 Stat. 465.)

This was an act entitled "An act to consolidate national forest lands," cited above.

Sec. 693c. (Act September 22, 1922, ch. 404, sec. 1.) Exchange of land or timber within national forests for lands relinquished as basis for lieu selection.

That where any person or persons in good faith relinquished to the United States lands in a national forest as a basis for a lieu selection under the Act of June 4, 1897 (Thirtieth Statutes at Large, pages 11, 36), and failed to get their lieu selections of record prior to the passage of the Act of March 3, 1905 (Thirty-third Statutes at Large, page 1264), or whose lieu selections, though duly filed, are finally rejected, the Secretary of the Interior, with the approval of the Secretary of Agriculture, upon application of such person or persons, their heirs or assigns, is authorized to accept title to such of the base lands as are desirable for national-forest purposes, which lands shall thereupon become parts of the nearest national forest, and, in exchange therefor, may issue patent for not to exceed an equal value of national-forest land, unoccupied, surveyed, and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State. Where an exchange can not be agreed upon the Commissioner of the General Land Office is hereby authorized to relinquish and quitclaim to such person or persons, their heirs or assigns, all title to such lands which the respective relinquishments of such person or persons may have vested in the United States: *Provided*, That such person or persons, their heirs

or assigns, shall, within five years after the date of this Act, make satisfactory proof of the relinquishment of such lands to the United States by submitting to the Commissioner of the General Land Office an abstract of title to such lands showing relinquishment of the same to the United States, which abstract or abstracts shall be retained in the files of the General Land Office. (42 Stat. 1017).

This section and the section next following were an act entitled "An act for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States," cited above.

The provisions of Act June 4, 1897, ch. 2, sec. 1, referred to in this section, were repealed by Act March 3, 1905, ch. 1495, also referred to in this section. See note to sec. 544, *ante*.

Sec. 693d. (Act September 22, 1922, ch. 404, sec. 2.) Selection of public lands in lieu of lands relinquished.

That if it shall appear that any of the lands relinquished to the United States for the purpose stated in the preceding section have been disposed of or appropriated to a public use, other than the general purposes for which the forest reserve within the bounds of which they are situate was created, such lands shall not be relinquished and quitclaimed as provided therein, unless the head of the department having jurisdiction over the lands shall consent to such relinquishment; and if he shall fail to so consent, or if any of the lands so relinquished have been otherwise disposed of by the United States, other surveyed, nonmineral, unoccupied, unreserved public lands of approximately equal area and value may be selected and patented in lieu of the lands so appropriated or disposed of in the manner and subject to the terms and conditions prescribed by said Act of June 4, 1897, and the regulations issued thereunder: *Provided*, That applications to make such lieu selections must be filed in the General Land Office within three years after the date of this Act. (42 Stat. 1017.)

See preceding section and notes thereto.

Sec. 694. (Act March 13, 1908, ch. 84.) Exchange of unoccupied nonmineral, untimbered land in Wyoming for privately owned lands in Crow Creek National Forest for military purposes.

That whenever the Secretary of War shall deem the acquisition of lands in private ownership necessary for the enlargement of the military maneuvering grounds for the United States Army and National Guard within the reservation known as the Crow Creek National Forest, he may certify to the Secretary of the Interior the description of such specific tract or tracts of land as he may deem necessary for such purpose, and the Secretary of the Interior may thereupon, with the approval of the President, exchange therefor an equal area of any of the unoccupied, nonmineral, untimbered public land subject to entry within the State of Wyoming. (35 Stat. 42.)

This was an act entitled "An act authorizing the exchange of lands for the enlargement of maneuvering grounds," cited above.

Sec. 695. (Act February 28, 1911, ch. 181.) Exchange of lands part of Kansas National Forest for privately owned lands within the exterior limits thereof; land acquired to become part of forest.

That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the

Kansas National Forest, be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Kansas National Forest for privately owned lands lying within the exterior limits of the said national forest: *Provided*, That the lands so exchanged shall be equal in area and substantially equal in value: *And provided further*, That upon the consummation of such exchange the land deeded to the United States thereunder shall become a part of the Kansas National Forest. (36 Stat. 960.)

This was an act entitled "An act to consolidate certain forest lands in the Kansas National Forest," cited above.

Sec. 696. (Act April 9, 1912, ch. 74, sec. 1, as amended by Act April 16, 1914, ch. 58.) Exchange of timber and lands within Yosemite National Park and Sierra and Stanislaus National Forests for patented lands and timber thereon within Yosemite National Park; exchange of lands of United States in Sierra and Stanislaus National Forests adjacent to Yosemite National Park; lands acquired to become part of Yosemite National Park.

That the Secretaries of the Departments of Interior and Agriculture, for the purpose of eliminating private holdings within the Yosemite National Park and to preserve intact timber along and adjoining the roads in the scenic portion of the park on patented lands, are hereby empowered in their discretion to obtain and accept for the United States a complete title to any and all patented lands within the boundaries of said park by the exchange of timber or timber and lands within the Yosemite National Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within the park, necessary conveyances of park and national forest timber or timber and lands to be made by said secretaries, respectively. That the secretaries of the said departments may, and are hereby authorized to, acquire title in fee by the exchange of lands of the United States for patented lands not exceeding six hundred and forty acres in the Sierra and Stanislaus National Forests, adjacent and contiguous to the Yosemite National Park, and when such patented lands are thus acquired, said lands shall become a part of the Yosemite National Park and be subject to all the provisions of the Act of October first, eighteen hundred and ninety, entitled "An Act to set apart certain tracts of land in the State of California as forest reservations." (37 Stat. 80, 38 Stat. 345.)

This section and the three sections next following were an act entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park and for other purposes," cited above.

This section as originally enacted read as follows:

"That the Secretary of the Interior for the purpose of eliminating private holdings within the Yosemite National Park and the preservation intact of the natural timber along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park, by the exchange of decayed or matured timber, that can be removed from such parts of the park as will not affect the scenic beauty thereof, for lands of equal value held in private ownership therein, and also, in his discretion, to exchange for timber standing near the public roads on patented lands timber of equal value on park lands in other parts of the park."

Act October 1, 1890, ch. 1263, mentioned herein, is set forth, *ante*, secs. 644-646.

Sec. 697. (Act April 9, 1912, ch. 74, sec. 2.) Determination of the values of lands and timber to be exchanged; payment for timber in excess of value of land; lands conveyed to be added to Yosemite National Park.

That the value of patented lands within the park offered in exchange, and the value of the timber on park lands proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior may, in his discretion, direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands, and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange, and if the value of the timber on park lands exceeds the value of the patented lands deeded to the Government in the exchange such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any of the timber is removed from the park, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to exchange for timber standing near public roads on patented lands for timber to be exchanged on park lands: *Provided*, That the lands conveyed to the Government under this Act shall become a part of the Yosemite National Park. (37 Stat. 80.)

See notes to preceding section.

Sec. 698. (Act April 9, 1912, ch. 74, sec. 3.) Regulations for cutting and removing timber; bond for payment of damages.

That all timber must be cut and removed from the park under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park in consequence of the cutting and removal of the timber from the reservation shall be borne by the owners of the patented lands, and bond satisfactory to the Secretary of the Interior must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior. (37 Stat. 81.)

See note to section 1 of this act, *ante*, sec. 696.

Sec. 699. (Act April 9, 1912, ch. 74, sec. 4.) Sale of matured, dead, or down timber in park.

That the Secretary of the Interior may also sell and permit the removal of such matured or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park, and the proceeds derived therefrom shall be deposited and covered into the Treasury as miscellaneous receipts. (37 Stat. 81.)

See note to section 1 of this act, *ante*, sec. 696.

Sec. 700. (Act May 13, 1914, ch. 88.) Exchange of forest lands, a part of Sierra National Forest, for privately owned timber lands within Sierra National Forest and Yosemite National Park; lands acquired to become part of Forest and Park.

That for the purpose of preserving scenic features and consolidating certain forest lands belonging to the United States within the Sierra National Forest and the Yosemite National Park, California, the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, and after obtaining and accepting for the Government of the

United States of America a valid title to the land to be acquired, which title shall be approved by said Secretary of the Interior, to exchange lands belonging to the United States which are a part of the Sierra National Forest for privately owned timber lands of approximately equal value lying within the boundaries of said Sierra National Forest and the said Yosemite National Park: *Provided*, That upon the consummation of an exchange hereunder the lands acquired by the United States within the boundaries of the Sierra Forest shall become a part of that national forest and that within the boundaries of the Yosemite National Park shall become a part of that park: *Provided further*, That only the following privately owned lands in the Sierra National Forest may be acquired by the United States under the exchange: North half southeast quarter and southeast quarter southeast quarter section thirty-four, southwest quarter southwest quarter section thirty-five, and all of section thirty-six, township four south, range twenty east, Mount Diablo meridian; east half northeast quarter and south half southwest quarter section thirty-two, west half northwest quarter section thirty-three, township four south, range twenty-one east, Mount Diablo meridian; southeast quarter section one, southeast quarter southeast quarter (lot sixteen) section eleven, lots three and four, southwest quarter northwest quarter, southwest quarter, and southeast quarter section twelve, lots two, five, six, and seven, section thirteen, township five south, range twenty east, Mount Diablo meridian; lots two and six, section five, portion northwest quarter northwest quarter south of traverse, southwest quarter northwest quarter, portion southeast quarter northwest quarter west of traverse, northeast quarter southwest quarter, southeast quarter southwest quarter, and that portion of the southeast quarter west of the traverse, section eight, portion of northwest quarter, northeast quarter west of traverse, southwest quarter northeast quarter, portion of southeast quarter northeast quarter west of traverse, and portion of east half southeast quarter west of traverse, section seventeen, portion of northeast quarter northeast quarter west of traverse, portion southeast quarter northeast quarter west of traverse, and portion of east half southeast quarter west of traverse, section twenty, township five south, range twenty-one east, Mount Diablo meridian; and that only the northeast quarter section thirty-six, township four south, range twenty-one east, Mount Diablo meridian, in the Yosemite National Park, may be acquired by the United States under the exchange; and that only the following lands may be given in exchange by the United States: West half lot nine and west half southwest quarter section three; portion of lots four and five south of traverse, section five; portions of lots one, two, three, and five south of the traverse; portion of lot six east of traverse; lots seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and portions of lot twenty north of traverse, section six; portion of the north half northeast quarter north of traverse line, section seven; north half northeast quarter, southwest quarter northeast quarter, and north half northwest quarter, section ten; southwest quarter northwest quarter and northwest quarter southwest quarter, section eleven, southwest quarter northeast quarter and southeast quarter northwest quarter, section thirteen, portion of southwest quarter northeast quarter east of traverse, section twenty, township five

south, range twenty-one east, Mount Diablo meridian; southwest quarter southwest quarter section nine, northeast quarter northeast quarter (lot one) section seventeen, lot five, section eighteen, southwest quarter southwest quarter and southeast quarter southwest quarter, section nineteen, southwest quarter northwest quarter section twenty-eight, northwest quarter northeast quarter section twenty-nine, southwest quarter northeast quarter, northeast quarter northwest quarter, southwest quarter northwest quarter, southeast quarter northwest quarter, lot one, northeast quarter southwest quarter, northwest quarter southwest quarter, southeast quarter southwest quarter, west half southeast quarter, and southeast quarter southeast quarter, section thirty, township five south, range twenty-two east, Mount Diablo meridian; northeast quarter southeast quarter and south half southeast quarter, section two, north half northeast quarter section eleven, northwest quarter northeast quarter, south half northeast quarter, and northwest quarter, section twelve, township six south, range twenty-one east, Mount Diablo meridian; northeast quarter northwest quarter and south half northwest quarter, section seven, township six south, range twenty-two east, Mount Diablo meridian. (38 Stat. 376.)

This was an act entitled "An act to consolidate certain forest lands in the Sierra National Forest, and Yosemite National Park, California," cited above.

Sec. 702. (Act July 25, 1912, ch. 252.) Exchange of lands a part of Paulina National Forest for privately owned lands within exterior limits thereof; land acquired to become part of Paulina National Forest.

That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Paulina (Oregon) National Forest, be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Paulina (Oregon) National Forest for privately owned lands lying within the exterior limits of the said national forest: *Provided*, That the lands so exchanged shall be equal in area and substantially equal in value: *And provided further*, That upon the consummation of such exchange the land deeded to the United States thereunder shall become a part of the Paulina (Oregon) National Forest. (37 Stat. 200.)

This was an act entitled "An act to consolidate certain forest lands in the Paulina (Oregon) National Forest," cited above.

Sec. 703. (Act August 22, 1912, ch. 327.) Exchange of timber within Pecos National Forest for privately owned timberlands within the exterior limits of Zuni National Forest; valuation of timber and land; examination of title; regulation of cutting; land acquired to become part of Zuni National Forest.

That the Secretary of Agriculture, for the purpose of increasing the area of the timberland included within the Zuni National Forest by the addition thereto of certain privately owned timberland lying within the exterior limits of the said national forest, be, and the same is hereby, authorized and empowered, in his discretion, in behalf of the United States, to exchange timber within the Pecos national forest in New Mexico for privately owned timberlands embraced in

the odd-numbered sections of township eleven north, range twelve west, New Mexico principal meridian, which are now within the exterior limits of the Zuni National Forest, New Mexico: *Provided*, That such exchange shall be made under the following conditions: The saw timber on such private lands shall be exchanged for the saw timber on such national forest lands, thousand feet for thousand feet; cordwood and posts from piñon and cedar on such private lands shall, after estimate and appraisal by forest officers, be exchanged for an equivalent value of national forest timber at an appraisal of not less than two dollars and fifty cents per thousand feet board measure; and the privately owned land at a valuation of not more than sixty-two and one-half cents per acre shall be exchanged for an equivalent value of national forest timber at an appraisal of not less than two dollars and fifty cents per thousand feet board measure: *Provided*, That the Attorney General of the United States shall first pass upon the title of the privately owned land to be exchanged under the provisions of this bill: *Provided further*, That the national forest timber to be so exchanged shall be cut under the rules and regulations promulgated by the Secretary of Agriculture for the cutting of timber on the national forests, and that the time within which such timber shall be removed shall be determined by the said Secretary of Agriculture: *And provided further*, That the land deeded to the United States under the provisions of this Act shall forthwith become a part of the Zuni National Forest. (37 Stat. 323.)

This was an act entitled "An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest," cited above.

Sec. 705. (Act June 24, 1914, ch. 123.) Exchange of lands for privately owned lands, in Ochoco National Forest; lands acquired to become part of Forest.

That for the purpose of consolidating the forest lands belonging to the United States within the Ochoco National Forest, Oregon, the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Ochoco National Forest for privately owned lands of substantially equal value and area lying within the exterior limits of said national forest: *Provided*, That upon consummation of an exchange hereunder the lands acquired by the United States shall thereby become a part of said Ochoco National Forest. (38 Stat. 387.)

This was an act entitled "An act to consolidate certain forest lands in the Ochoco National Forest, Oregon," cited above.

Sec. 706. (Act July 28, 1914, ch. 212.) Exchange of lands within Fishlake National Forest, with Salina Land and Grazing Company; lands acquired to become part of Forest.

That the Secretary of the Interior is hereby authorized to issue patent to the Salina Land and Grazing Company, a corporation organized and existing under the laws of Utah, for the following-described lands:

East half southwest quarter, southwest quarter southwest quarter, south half northwest quarter, northeast quarter northwest quarter, north half northeast quarter, southeast quarter northeast quarter, north half southeast quarter, southeast quarter southeast quarter, sec-

tion twenty-four; east half northeast quarter, north half southwest quarter, section twenty-five; southeast quarter northeast quarter, east half southeast quarter, section thirty-five; and a strip eight chains in width extending from the northwest corner of section two, township twenty-four south, range one east, to the junction with the southeast quarter southeast quarter of section thirty-five, township twenty-three south, range one east, of the Salt Lake meridian.

Lots one, two, three, and four, section nineteen; southwest quarter northwest quarter section twenty; northwest quarter southeast quarter, northwest quarter northeast quarter, east half northwest quarter, section thirty, township twenty-three south, range two east, of the Salt Lake meridian.

Northwest quarter southwest quarter section one; east half northwest quarter, northeast quarter section eleven; west half northwest quarter, north half northeast quarter, southeast quarter northeast quarter, northeast quarter southeast quarter, northeast half northwest quarter, southeast quarter, section twelve; said northeast half being an area of twenty acres made by drawing a line from the northwest corner of forty to the southeast corner of forty, township twenty-four south, range one east, of the Salt Lake meridian.

Southeast quarter, south half southwest quarter, section five; northwest quarter northeast quarter, lot two, southwest quarter, southwest quarter southeast quarter, section seven; southwest quarter, east half northwest quarter, northwest quarter northwest quarter, northeast quarter, north half southeast quarter, southwest quarter southeast quarter, section eight, township twenty-four south, range two east, of the Salt Lake meridian, upon the transfer by the said Salina Land and Grazing Company to the United States of the northeast quarter northwest quarter section twenty-eight; southeast quarter northeast quarter section thirty-five, township twenty-two south, range one east.

Southeast quarter northeast quarter, east half southeast quarter, southwest quarter southeast quarter, section thirty-one, township twenty-two south, range two east.

Southeast quarter, southeast quarter northeast quarter, section eleven; west half southwest quarter, southeast quarter southwest quarter, section twelve; northwest quarter northeast quarter, southeast quarter northeast quarter, southwest quarter southeast quarter, northeast quarter southwest quarter, section thirteen; north half northeast quarter, southwest quarter northeast quarter, northeast quarter northwest quarter, east half southwest quarter, section fourteen; southeast quarter southeast quarter section twenty-two; east half west half, southwest quarter southwest quarter, section twenty-three, township twenty-three south, range one east.

Northeast quarter northeast quarter section six, township twenty-three south, range two east.

Northwest quarter southwest quarter section three; northwest quarter southwest quarter, southeast quarter southwest quarter, southeast quarter southeast quarter, section eleven; east half southwest quarter, southwest half southeast quarter southeast quarter, section twelve, the last forty being divided by a line drawn from the northwest corner to the southeast corner, northwest quarter northeast quarter, southeast quarter northeast quarter, northwest quarter

southwest quarter, southwest quarter southeast quarter, section thirteen; northwest quarter northeast quarter, southeast quarter northeast quarter, northeast quarter northwest quarter, northeast quarter southwest quarter, section fourteen; southwest quarter northeast quarter, and lot two, section fifteen; northeast quarter southeast quarter section twenty-one; northwest quarter northwest quarter, southwest quarter northeast quarter, section twenty-three; northwest quarter southwest quarter; southwest quarter northeast quarter, section twenty-four; northwest quarter northwest quarter section twenty-five; north half northeast quarter section twenty-six, township twenty-four south, range one east.

Lot three, south half northwest quarter section four; northeast quarter northwest quarter, northeast quarter southwest quarter, section nine; northwest quarter northwest quarter, southwest quarter northeast quarter, northeast quarter southeast quarter, southeast quarter southwest quarter, section sixteen; northwest quarter southeast quarter, northeast quarter northwest quarter, southwest quarter northwest quarter, section seventeen; northeast quarter northeast quarter, northeast quarter northwest quarter, section eighteen, township twenty-four south, range two east, of the Salt Lake meridian, within the Fishlake National Forest: *Provided*, That the Attorney General of the United States shall certify that a good and sufficient title to the reconveyed lands will vest in the Government: *And provided*, That the lands reconveyed to the United States shall forthwith become a part of the Fishlake National Forest. (38 Stat. 556.)

This was an act entitled "An act authorizing the exchange of certain lands within the Fishlake National Forest, Utah," cited above.

Sec. 708. (Act July 3, 1916, ch. 218.) Exchange of forest lands for privately owned lands within the Florida National Forest; lands acquired to become part of Forest.

That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Florida National Forest, be, and he is hereby, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Florida National Forest for privately owned lands of approximately equal value, as determined by the Secretary of Agriculture, within the exterior limits of said national forest, which lands upon the consummation of the exchange shall become a part of the Florida National Forest. (39 Stat. 344.)

This was "An act to consolidate certain forest lands in the Florida National Forest," cited above.

Sec. 709. (Act September 8, 1916, ch. 471.) Exchange of forest lands for privately owned lands within the Oregon National Forest; lands acquired to become part of Forest.

That for the purpose of consolidating forest lands belonging to the United States within the Oregon National Forest, the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange, upon the basis of equal value, lands belonging to the United States in the Oregon National Forest for privately owned lands lying within the exterior limits of the Oregon National Forest; and upon the con-

summation of such exchanges the lands deeded to the United States shall become parts of the Oregon National Forest. (39 Stat. 846.)

This was an Act entitled "An act to consolidate certain forest lands in the Oregon National Forest, in the State of Oregon," cited above.

Sec. 710. (Act September 8, 1916, ch. 476, sec. 2.) Exchange of timber in or near Whitman National Forest for privately owned lands within boundaries thereof; lands acquired to be subject to national forest laws.

That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to any lands in private ownership within established boundaries of the said Whitman National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for the production of timber or the protection of stream flow, and in lieu thereof may give in exchange such Government timber in or near the Whitman National Forest as may be determined by the Secretary of Agriculture to be of approximately equal value; and any reconveyed lands shall, upon acceptance, become subject to all laws affecting national forests. (39 Stat. 852.)

This was a section of an act entitled "An act authorizing an adjustment of the boundaries of the Whitman National Forest, in the State of Oregon, and for other purposes," cited above.

Section 1 of this act, authorizing the addition to Whitman National Forest of land within certain described areas valuable for timber production or stream-flow protection, is set forth, *ante*, sec. 685.

Sec. 711. (Act March 3, 1917, ch. 164, sec. 1.) Exchange of timber in Glacier National Park and national forests in Montana for privately or State owned lands within Glacier National Park.

That the Secretary of the Interior, for the purpose of eliminating private holdings within the Glacier National Park and the preservation intact of the natural forest along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private or State ownership within the boundaries of said park within townships thirty-two and thirty-three north, ranges eighteen and nineteen west of Montana principal meridian, by the exchange of dead, decadent, or matured timber of approximately equal values that can be removed from any part of the park without injuriously affecting the scenic beauty thereof; or upon the approval of the Secretary of Agriculture, the timber to be selected or exchanged may be taken from the Government lands within the metes and bounds of the national forests within the State of Montana. (39 Stat. 1122.)

This and the two sections following are sections of an act entitled "An act to authorize an exchange of lands with owners of private holdings within the Glacier National Park," cited above.

Sec. 712. (Act March 3, 1917, ch. 164, sec. 2.) Ascertainment of value of lands and timber to be exchanged.

That the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of the timber on park lands, or on Government lands within the metes and bounds of the national forests within the State of Montana, proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior and the Secretary of Agriculture may jointly in their discretion direct, and all expenses

incident to ascertaining such values shall be paid by the owners of said patented lands; and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and if the value of timber on park lands or on the Government lands in the national forests within the State of Montana exceeds the value of the patented lands deeded to the Government in exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any timber is removed, and shall be deposited and covered into the Treasury as miscellaneous receipts: *Provided*, That the lands conveyed to the Government under this Act shall become a part of the Glacier National Park. (39 Stat. 1122.)

See note to preceding section.

Sec. 713. (Act March 3, 1917, ch. 164, sec. 3.) Payment for damage in removal of timber.

That all timber on Government lands in the park must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park or the national forests in consequence of the cutting and removal of the timber therefrom shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior and the Secretary of Agriculture, jointly, must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior so far as the same relates to lands within a national park and by the Secretary of Agriculture where the same relates to lands in the national forests: *Provided further*, That the Secretary of Agriculture and the Secretary of the Interior shall jointly report to Congress in detail the factors upon which valuations were made. (39 Stat. 1122.)

See note to section 1 of this act, *ante*, sec. 711.

Sec. 717. (Act May 20, 1920, ch. 191, sec. 2.) Exchange of nonmineral lands or timber within Oregon National Forest for privately owned lands within exterior limits of said Forest; lands acquired to become parts of said Forest.

That the Secretary of the Interior be, and he hereby is, authorized and empowered, in his discretion, upon the recommendation of the Secretary of Agriculture, to exchange, upon the basis of equal value, nonmineral lands or timber belonging to the United States in the Oregon National Forest for privately owned lands lying within the exterior limits of the Oregon National Forest, and that upon the consummation of such exchanges the lands deeded to the United States shall become parts of the Oregon National Forest, and the Secretary of the Interior shall issue patents to the selected lands. (41 Stat. 605.)

This was a section of an act entitled "An act to enlarge the boundaries of the Oregon National Forest," cited above.

Section 1 of this act, changing the boundaries of Oregon National Forest to include certain specified lands, is set forth, *ante*, sec. 679.

Sec. 718. (Act June 5, 1920, ch. 247, sec. 5.) Exchange of nonmineral national forest lands for lands owned by State of South Dakota within exterior boundaries of a national forest in said State; lands acquired to become part of the national forest; other selections by State not affected.

That upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed one thousand six hundred acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas set aside by the President under the authority of section 1: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest: *Provided, however*, That this authority shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this Act. (41 Stat. 986.)

This was the final section of an act entitled "An act for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes," cited above.

Section 1 of this act, mentioned in this section, and sections 2-4, authorizing the designation and setting aside of areas of Harney National Forest in South Dakota, for the protection of game animals and birds, are set forth, *ante*, secs. 590-593.

Sec. 721. (Act June 5, 1920, ch. 242.) Exchange of lands or timber within national forests of California for lands within Sierra National Forest; removal of timber; lands acquired to become part of Sierra National Forest.

That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the Sierra National Forest, California, if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such national forest land or timber within the national forests of California as may be determined by the Secretary of Agriculture, and in determining the relative values of the lands or timber to be exchanged, consideration shall be given to any reservations which either party may make of timber, minerals, or easements.

Timber given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become a part of the Sierra National Forest. (41 Stat. 980.)

This was an act entitled "An act for the consolidation of forest lands in the Sierra National Forest, California, and for other purposes," cited above.

Sec. 722. (Act February 27, 1921, ch. 79.) Exchange of lands or timber within Montezuma National Forest for privately owned lands valuable for national forest purposes or stream-flow protection; lands acquired to become part of Montezuma National Forest.

That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any land free and clear of all incumbrances within the Montezuma National Forest, or within section twenty-three, township thirty-seven north, range fourteen west, New Mexico principal meridian, within the State of Colorado, which in the opinion of the Secretary of Agriculture are chiefly valuable for national forest purposes, or for the protection of stream flow, and in exchange therefor may issue patent for not to exceed an equal value of such national forest land, or to exchange timber within the said national forest, as may be determined by the Secretary of Agriculture to be of approximately equal value and acceptable to the owner or owners as fair compensation, considering any reservations which either the grantor or the Government may make of timber, minerals, or easements. Timber given by the Government in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. All lands conveyed by the United States under this Act shall, upon acceptance thereof, become a part of the Montezuma National Forest and subject to all laws affecting national forests. (41 Stat. 1148.)

This was an act entitled "An act authorizing the exchange of lands within the Montezuma National Forest in Colorado," cited above.

Sec. 723. (Act March 4, 1921, ch. 159, sec. 1.) Exchange of timber or lands within national forests in Washington for lands within Rainier National Forest valuable for national forest purposes; removal of timber; lands acquired to become parts of Rainier National Forest.

That the Secretary of the Interior be, and he is hereby, authorized to accept on behalf of the United States title to any lands not in Government ownership in sections three, five, seven, nine, eleven, fifteen, seventeen, nineteen, twenty-one, twenty-three, twenty-seven, twenty-nine, and thirty-one in township fourteen north, range four east, Willamette meridian; sections thirteen and twenty-five in township fourteen north, range three east, Willamette meridian; and sections twenty-one, twenty-seven, twenty-nine, thirty-three, and thirty-five in township fifteen north, range four east, Willamette meridian, within the Rainier National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such Government timber or land in any national forest in the State of Washington as may be determined by the Secretary of Agriculture and acceptable to the owner as fair compensation, considering any reservations which the Government may make. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Rainier National Forest. (41 Stat. 1366.)

This was a section of an act entitled "An act authorizing the exchange of lands within the Rainier National Forest, in the State of Washington, and for other purposes," cited above.

Section 2 of this act, authorizing the President, upon application by a municipality, to reserve and set aside any lands within the Rainier National Forest which are essential for the protection of the water supply of such municipality, and providing for the administration and protection and regulation of such lands by the Secretary of Agriculture, is set forth, *post*, sec. 910.

Sec. 723a. (Act December 20, 1921, ch. 11.) Exchange of lands or timber within national forests in Washington for lands valuable for national-forest purposes; removal of timber; lands acquired to become parts of Rainier National Forest.

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to any lands not in Government ownership within the Rainier National Forest if, in the opinion of the Secretary of Agriculture, such lands are chiefly valuable for national-forest purposes, and in exchange therefor may issue patent for not to exceed an equal value of Government land within any national forest within the State of Washington, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of national-forest timber in any national forest in the State of Washington, the values in each instance to be determined by the Secretary of Agriculture and to be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Rainier National Forest. (42 Stat. 350.)

This was an act entitled "An act authorizing exchanges of lands within the Rainier National Forest, in the State of Washington," cited above.

Sec. 724. (Act March 4, 1921, ch. 154.) Exchange of national forest lands or timber within Carson National Forest for privately owned lands valuable for national forest purposes; removal of timber; lands acquired to become part of Carson National Forest.

That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands within the Carson National Forest, New Mexico, if in the opinion of the Secretary of Agriculture the public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor may give not to exceed an equal value of such national forest lands or timber within the said national forest as may be determined by the Secretary of Agriculture and the Secretary of the Interior.

Timber given and the timber on lands given in such exchanges shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become a part of the Carson National Forest. (41 Stat. 1364.)

This was an act entitled "An act for the consolidation of forest lands in the Carson National Forest, New Mexico, and for other purposes," cited above.

Sec. 724a. (Act February 2, 1922, ch. 46.) Exchange of land or timber within national forests in Oregon for privately owned lands within Deschutes National Forest; removal of timber; lands acquired to become parts of Deschutes National Forest.

That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept on behalf of the United States title to any lands in private ownership within or within six miles of the exterior boundaries of the Deschutes National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land, in the State of Oregon, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest, in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Deschutes National Forest. (42 Stat. 362.)

This was an act entitled "An act authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes," cited above.

Sec. 724b. (Act March 8, 1922, ch. 97.) Exchange of land or timber within national forests in Oregon for privately owned lands within Malheur National Forest; removal of timber; lands acquired to become parts of Malheur National Forest.

That the Secretary of the Interior be, and hereby is, authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the exterior boundaries of the Malheur National Forest which, in the opinion of the Secretary of Agriculture, are chiefly valuable for national forest purposes, and, in exchange therefor, may issue patent for an equal value of national forest land in the State of Oregon; or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of timber from any national forest in the State of Oregon, the values in each instance to be determined by the Secretary of Agriculture and be acceptable to the owners as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the Malheur National Forest. (42 Stat. 416.)

This was an act entitled "An act authorizing the exchange of lands within the exterior boundaries of the Malheur National Forest, in the State of Oregon, and for other purposes," cited above.

Sec. 724c. (Act September 22, 1922, ch. 424.) Exchange of lands or timber within Wenatchee, Olympic, and Snoqualmie National Forests for lands therein not in Government ownership.

That within the following described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the Act of March 20, 1922 (Public, 173), upon notice as therein provided and upon accept-

ance of title shall become parts of the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, respectively, and any of such described areas in Government ownership chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forests as herein provided by proclamation of the President, subject to all valid existing entries: To the Wenatchee National Forest, township twenty north, range thirteen east, west half of township and sections one, three, ten, south half of fourteen, fifteen, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, thirty-four, thirty-five, and thirty-six; township twenty north, range fourteen east, sections one, three, four, five, six, seven, eight, nine, ten, fifteen, sixteen, south half of section twenty-nine, south half of section thirty, sections thirty-one, thirty-two, and thirty-three; township twenty north, range fifteen east, sections two, three, four, five, six, eight, nine, ten, eleven, twelve, thirteen, fourteen, and fifteen; township twenty-one north, range fifteen east, sections twelve, thirteen, fourteen, fifteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, north half of twenty-six, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four; township twenty north, range sixteen east, sections one, two, three, seven, south half of section eight, north half of sections eleven, twelve, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, north half of section twenty-two; township twenty-one north, range sixteen east, sections four, seven, nine, ten, fifteen, eighteen, nineteen, east half of section twenty-one, twenty-two, twenty-seven, east half of section twenty-eight, thirty, east half of section thirty-three, and thirty-four; township twenty north, range seventeen east, sections four, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, sixteen, seventeen, north half of section eighteen, twenty-five, twenty-six, thirty-five, and thirty-six; township twenty-three north, range eighteen east, sections three, four, five, six, seven, eight, nine, seventeen, eighteen, twenty, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six; township twenty-four north, range eighteen east, sections thirty, thirty-one, thirty-three, and south half of section thirty-four; township twenty north, range nineteen east; township twenty-two north, range nineteen east, sections two, three, four, five, six, seven, eight, nine, ten, eleven, fourteen, fifteen, sixteen, seventeen, eighteen, and south half of township; township twenty-three north, range nineteen east, sections nineteen, thirty, thirty-one, thirty-two, thirty-three, thirty-four, and thirty-five; township twenty-five north, range nineteen east; township twenty-six north, range nineteen east; township twenty-seven north, range nineteen east; township twenty north, range twenty east; township twenty-one north, range twenty east, sections six, seven, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six; township twenty-five north, range twenty east, sections five, six, seven, eight, sixteen, seventeen, eighteen, nineteen, twenty and twenty-one; township twenty-six north, range twenty east, sections one to sixteen, inclusive, twenty-one to twenty-seven, inclusive, thirty, thirty-one, thirty-two, thirty-five, and thirty-six; township twenty-seven north, range twenty east; all Willamette principal meridian.

To the Olympic National Forest, all of section one, township twenty-four north, range three west, except lot one; the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter, the southwest quarter of the southwest quarter, and lot one, section six, township twenty-four north, range two west, and a permanent right-of-way for a logging road twenty-five feet wide across lot one, section one, in township twenty-four north, range three west;

To the Snoqualmie National Forest, sections twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-three, thirty-four, thirty-five, and thirty-six, township twenty-three north, range nine east, Willamette principal meridian. (42 Stat. 1036.)

This was an act entitled "An act for the inclusion of certain lands in the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, all in the State of Washington, and for other purposes," cited above.

Act March 20, 1922, ch. 105, referred to in this act, is set forth, *ante*, sec. 693b.

Sec. 725. (Act June 11, 1906, ch. 3074, sec. 1.) Agricultural lands within forest reserves to be open to homestead entry; preference rights to former settlers and applicants; plats and field notes to be filed and posted; surveys; commutation provisions not to apply; credit for actual residence.

That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, except the following counties in the State of California, [Inyo, Tulare, Kern,] San Luis Obispo, Santa Barbara, [Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego]; which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this Act.

Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this Act shall, within five

years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this Act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries. (34 Stat. 233.)

This section and the three sections next following were part of an act entitled "An act to provide for the entry of agricultural lands within forest reserves," cited above.

Section 4 of this act, prohibiting homestead settlements in that portion of the Black Hills Forest Reserve, in Lawrence and Pennington counties, South Dakota, except to persons occupying lands therein prior to January 1, 1906, was repealed by Act August 8, 1916, ch. 295, *post*, sec. 730.

This section was amended by Act May 30, 1908, ch. 233, *post*, sec. 729, by striking out the words "except the following counties in the State of California, Inyo, Tulare, Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside and San Diego." The names of the counties San Luis Obispo and Santa Barbara were not stricken out.

The Secretary of Agriculture was directed and required to select, classify, and segregate all lands within national forests that may be opened to homestead settlement and entry, and surveys of lands listed within national forests chiefly valuable for agriculture, and the plats and field notes thereof, were to be made by employees of the Forest Service to be designated by the United States surveyor general, and such surveys and the plats and field notes thereof were to be approved by him by provisions of Act March 4, 1913, ch. 145, *post*, sec. 732.

Allotments within national forests to Indians occupying, etc., land included therein, who were not entitled to allotments on any Indian reservation, etc., to be made of lands more valuable for agricultural or grazing purposes than for timber, were authorized by Act June 25, 1910, ch. 431, sec. 31, *post*, sec. 735.

Sec. 726. (Act June 11, 1906, ch. 3074, sec. 2.) Additional homestead right of entry to former settlers; payment of price of lands required.

That settlers upon lands chiefly valuable for agriculture within forest reserves on January first, nineteen hundred and six, who have already exercised or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this Act only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay two dollars and fifty cents per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands. (34 Stat. 234.)

See notes to preceding section.

Sec. 727. (Act June 11, 1906, ch. 3074, sec. 3.) Entries in Black Hills Forest Reserve subject to mining laws, and appropriation of waters; no title acquired in riparian rights.

That all entries under this Act in the Black Hills Forest Reserve shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said forest reserves for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills Forest Reserve under this Act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve; and that such limitation of title shall be expressed in the patents for the lands covered by such entries. (34 Stat. 234.)

See notes to section 1 of this act, *ante*, sec. 725.

Sec. 728. (Act June 11, 1906, ch. 3074, sec. 5.) Act not to be construed to authorize settlement of lands within forest reserves, or to impair rights of former bona fide settlers.

That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this Act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve. (34 Stat. 234.)

See notes to section 1 of this act, *ante*, sec. 725.

Sec. 729. (Act May 30, 1908, ch. 233.) Exception of counties in the State of California from provisions for the homestead entry of agricultural lands within forest reserves, stricken out.

That an Act entitled "An Act to provide for the entry of agricultural lands within forest reserves," approved June eleventh, nineteen hundred and six, be amended by striking out of section one the following words: "except the following counties in the State of California: Inyo, Tulare, Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego." (35 Stat. 554.)

This was an act entitled "An act to amend an act approved June eleventh, nineteen hundred and six, entitled 'An act to provide for the entry of agricultural lands within forest reserves,'" cited above.

Act June 11, 1906, ch. 3074, sec. 1, amended by this act, is set forth *ante*, sec. 725. See note to said section.

Sec. 730. (Act August 8, 1916, ch. 295.) Restriction on homestead entries in Black Hills Forest Reserve, in South Dakota, removed.

That section four of the Act of Congress, approved June eleventh, nineteen hundred and six, entitled "An Act to provide for the entry of agricultural lands within forest reserves," as amended by the Act of February eighth, nineteen hundred and seven (Statutes at Large, volume thirty-four, page eight hundred and eighty-three), and by the Act of July third, nineteen hundred and twelve (Statutes at Large, volume thirty-seven, page one hundred and eighty-eight), be, and the same is hereby, repealed. All lands within national forests in Lawrence and Pennington Counties, in South Dakota, shall be and remain subject to all other provisions of the said Act

of June eleventh, nineteen hundred and six, and Acts amendatory thereof and supplementary thereto. (39 Stat. 440.)

This was an act entitled "An act to appeal section four of the Act of Congress approved June eleventh, nineteen hundred and six, known as the forest homestead Act, and for other purposes," cited above.

Section 4 of Act June 11, 1906, ch. 3074, repealed by this act, prohibited homestead settlements in that portion of Black Hills Forest Reserve, in Lawrence and Pennington counties, South Dakota, except to persons occupying lands therein prior to January 1, 1906. Act February 8, 1907, ch. 896, 34 Stat. 883, also repealed, excepted certain described townships in Black Hills Forest Reserve, in Pennington County, South Dakota, from the operation of Act June 11, 1906, ch. 3074, sec. 4. Act July 3, 1912, ch. 195, 37 Stat. 188, also repealed, excepted certain other described townships in said Reserve in Lawrence and Pennington counties, South Dakota, from the operation of said Act June 11, 1906, ch. 3074, sec. 4. Said Act June 11, 1906, ch. 3074, secs. 1-3, 5, is set forth *ante*, secs. 725-728.

Sec. 731. (Act August 10, 1912, ch. 284.) Land not to pass from forest reserves until patents issue.

No land listed under the Act of June eleventh, nineteen hundred and six, shall pass from the forest until patent issues. (37 Stat. 287.)

This was part of a proviso annexed to an appropriation in the agricultural appropriation act for the fiscal year 1913, cited above, for survey and listing of lands within forest reserves chiefly valuable for agriculture, as required by Act June 11, 1906, ch. 3074, sec. 1, *ante*, sec. 725.

Sec. 732. (Act March 4, 1913, ch. 145.) Secretary of Agriculture to select, classify, and segregate lands within national forests for homestead settlement and entry; surveys, plats, and field notes by employees of the Forest Service.

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests, and the sum of \$100,000 is hereby appropriated for the purposes aforesaid: *Provided*, That not to exceed \$35,000 of this sum may be expended under the direction of the Secretary of Agriculture for the examination, survey, and platting of certain lands now listed or to be listed within national forests chiefly valuable for agriculture and describing such lands by metes and bounds, as required by the act of June eleventh, nineteen hundred and six (Thirty-fourth Statute, page two hundred and thirty-three), and the act of March third, eighteen hundred and ninety-nine (Thirtieth Statute, page ten hundred and ninety-five), and hereafter such surveys, and the plats and field notes thereof, shall be made by employees of the Forest Service, to be designated by the United States surveyor general, and such surveys and the plats and field notes thereof shall be approved by the United States surveyor general. (37 Stat. 842.)

These were provisions of the agricultural appropriation act for the fiscal year 1914, cited above. Provisions somewhat similar were made by the previous similar acts. Appropriations for the purposes mentioned here were made annually in the similar subsequent acts.

Sec. 733. (Act March 3, 1911, ch. 225, sec. 1.) Reinstatement of homestead entries cancelled or relinquished because of erroneous allowances after withdrawal of lands for national forest purposes.

That all homestead entries which have been canceled or relinquished, or are invalid solely because of the erroneous allowance of

such entries after the withdrawal of lands for national forest purposes, may be reinstated or allowed to remain intact, but in the case of entries heretofore canceled applications for reinstatement must be filed in the proper local land office prior to July first, nineteen hundred and twelve. (36 Stat. 1084.)

This and the section next following were an act entitled "An act providing for the validation of certain homestead entries," cited above.

Sec. 734. (Act March 3, 1911, ch. 225, sec. 2.) Contestants prior to withdrawal of lands for national forest purposes may exercise preference right to enter.

That in all cases where contests were initiated under the provisions of the Act of May fourteenth, eighteen hundred and eighty, prior to the withdrawal of the land for national forest purposes, the qualified successful contestants may exercise their preference right to enter the land within six months after the passage of this Act. (36 Stat. 1084.)

See note to preceding section.

Act May 14, 1880, ch. 89, 21 Stat. 140, mentioned in this section, provided for the opening to settlement and entry of lands covered by relinquished claims and the qualifications and rights of contestants.

Sec. 735. (Act June 25, 1910, ch. 431, sec. 31.) Allotments within national forests to Indians occupying lands therein who are not entitled to allotments on Indian reservations, etc.; lands more valuable for agriculture or grazing than for timber, as determined by Secretary of Agriculture, to be allotted.

That the Secretary of the Interior is hereby authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws as amended by section — of this Act, to any Indian occupying, living on, or having improvements on land included within any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture, who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided. (36 Stat. 863.)

This was a section of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," cited above.

The reference in blank to the amendment of the general allotment laws "by section — of this Act" was intended, apparently, for section 17 of this act. 36 Stat. 859, amending section 1 of Act February 28, 1891, ch. 383, 26 Stat. 794, which section amended section 1 of Act February 8, 1887, ch. 119, 24 Stat. 388.

Sec. 736. (Act March 15, 1906, ch. 950.) Homestead laws extended to certain lands in certain townships within Yellowstone Forest Reserve; portion to be set aside for forest reserve administrative purposes; commutation provisions not to apply; rights of prior settlers revived.

That the general provisions of the homestead laws of the United States be, and the same are hereby, extended to and over the surveyed

lands in townships forty-eight, forty-nine, and fifty, and ranges one hundred and five and one hundred and six, within the Yellowstone Forest Reserve, and the said lands shall be subject to entry ninety days after the passage of this Act, within which ninety-day period the Secretary of Agriculture may set aside such portions of said lands as were not occupied by a bona fide settler January first, nineteen hundred and six, not to exceed in the aggregate one hundred and sixty acres, as may be necessary for forest reserve administrative purposes, which lands so set aside shall not be subject to settlement entry or location during the life of the forest reserve: *Provided*, That the commutation clause of the homestead laws shall not apply to the said lands, and any bona fide settler who made settlement on said lands prior to January first, nineteen hundred and six, and who had prior to that time lost or exercised his homestead right, may enter and perfect title to the lands settled upon by him as though his homestead right had not been lost or exercised, upon the payment of the sum of one dollar and twenty-five cents per acre for the land included in his entry at the time of making final proof. (34 Stat. 62.)

This was an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve," cited above.

Similar provisions, applicable to lands in all forest reserves, were made by Act June 11, 1906, ch. 3074, sec. 1, *ante*, sec. 725.

Sec. 739. (Act June 30, 1914, ch. 131.) Restriction on the construction, etc., of buildings or improvements for forest ranger stations on homestead lands in forest reservations.

That hereafter no part of the appropriation made by this act shall be used for the construction, repair, maintenance, or use of buildings or improvements made for forest ranger stations within the inclosed fields of bona fide homestead settlers who have established residence upon their homestead lands prior to the date of the establishment of the forest reservation in which the homestead lands are situated, without the consent of the homesteader. (38 Stat. 425.)

This was a provision of the agricultural appropriation act for the fiscal year 1915, cited above. A similar provision, but without the word "hereafter," was contained in the similar act for the preceding fiscal year.

Sec. 740. (Act June 3, 1878, ch. 151, sec. 1, as amended by Act August 4, 1892, ch. 375, sec. 2.) Sale of lands valuable for timber or stone.

That surveyed public lands of the United States within the public land States, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands: *Provided*, That nothing herein contained shall defeat or impair any bona-fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona-fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal im-

provements, education, or other purposes: *And provided further*, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes," shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by provisions of said act; and such rights shall be expressly reserved in any patent issued under this act. (20 Stat. 89; 27 Stat. 348.)

This was a section of an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory," cited above.

This section, as enacted in Act June 3, 1878, ch. 151, cited above, began with the words "That surveyed public lands of the United States within the States of California, Oregon, and Nevada and in Washington Territory," etc. It was amended by Act August 4, 1892, ch. 375, sec. 2, also cited above, by striking out the words "States of California, Oregon, and Nevada and in Washington Territory," and inserting in lieu thereof the words "public land States," thus making the act applicable to timber lands in all the public land States, which was the purpose of the amending act as expressed therein.

Act July 26, 1866, ch. 262, 14 Stat. 251, mentioned herein, was incorporated into R. S. secs. 2338, 2339, 2341-2343, 2477.

Lands chiefly valuable for building stone are subject to entry under the placer-mining laws by Act August 4, 1892, ch. 375, sec. 1, *post*, sec. 741.

Sec. 741. (Act August 4, 1892, ch. 375, sec. 1.) Entry of lands valuable for building stone under placer mining laws.

That any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer mineral claims: *Provided*, That lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act. (27 Stat. 348.)

This section and the section next following were parts of an act entitled "An act to authorize the entry of lands chiefly valuable for building stone under the placer mining laws," cited above.

The placer mining laws referred to in this section were incorporated in R. S. secs. 2329-2333.

Sec. 742. (Act August 4, 1892, ch. 375, sec. 3.) Provision authorizing forest reserves not repealed.

That nothing in this act shall be construed to repeal section twenty-four of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March third, eighteen hundred and ninety-one. (27 Stat. 348.)

Section 24 of Act March 3, 1891, ch. 561, mentioned herein is set forth *ante*, sec. 537.

Sec. 743. (Act January 31, 1901, ch. 186.) Entry of saline lands under placer mining laws.

That all unoccupied public lands of the United States containing salt springs, or deposits of salt in any form, and chiefly valuable therefor, are hereby declared to be subject to location and purchase under the provisions of the law relating to placer-mining claims:

Provided, That the same person shall not locate or enter more than one claim hereunder. (31 Stat. 745.)

This was an act entitled "An act extending the mining laws to saline lands," cited above.

The placer mining laws referred to in this act, were incorporated in R. S. secs. 2329-2333.

Sec. 744. (Act May 29, 1908, ch. 220, sec. 11.) Provisions of mining laws extended to undisposed of lands in Bitter Root Valley, Montana; lands withdrawn for administration sites for use of forest service, excepted.

That all the provisions of the mining laws of the United States are hereby extended and made applicable to the undisposed-of lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, designated in the Act of June fifth, eighteen hundred and seventy-two: *Provided*, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this Act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service. (35 Stat. 467.)

This was a section of an act entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes," cited above.

Sec. 745. (Act February 11, 1897, ch. 216.) Entry of lands valuable for petroleum or other mineral oils under placer mining laws.

That any person authorized to enter lands under the mining laws of the United States may enter and obtain patent to lands containing petroleum or other mineral oils, and chiefly valuable therefor, under the provisions of the laws relating to placer mineral claims: *Provided*, That lands containing such petroleum or other mineral oils which have heretofore been filed upon, claimed, or improved as mineral, but not yet patented, may be held and patented under the provisions of this Act the same as if such filing, claim, or improvement were subsequent to the date of the passage hereof. (29 Stat. 526.)

This was an act entitled "An act to authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States," cited above.

The placer-mining laws, referred to in this act were incorporated in R. S. secs. 2329-2333.

This act was superseded, so far as it was applicable to oil-bearing lands in national forests, but exclusive of such lands acquired under the Weeks Act, by the more comprehensive provisions of Act February 25, 1920, ch. 85, secs. 1, 13-22, 26-38, *post*, secs. 767, 779-789, 793-805.

Sec. 746. (Act March 2, 1911, ch. 201, sec. 1.) Patents for oil or gas lands not to be denied because of transfer before discovery of oil or gas.

That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person, or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent

therefor not exceeding one hundred and sixty acres in any one claim shall issue to the holder or holders thereof, as in other cases: *Provided, however*, That such lands were not at the time of inception of development on or under such claim withdrawn from mineral entry. (36 Stat. 1015.)

This was an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," cited above.

A second section was added to this Act by Act of August 25, 1914, ch. 287, *post*, sec. 747.

The entry of lands containing petroleum or other mineral oils, under the placer-mining laws, was authorized by Act February 11, 1897, ch. 216, *ante*, sec. 745. See note thereto.

Sec. 747. (Act March 2, 1911, ch. 201, sec. 2, as amended by Act August 25, 1914, ch. 287.) Agreements with applicants for patents for oil or gas lands as to disposition of oil or gas or proceeds thereof, pending determination of title thereto; disposal of moneys accruing from lands within Naval Petroleum Reserves.

That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has heretofore been discovered, or is being produced, or upon which drilling operations were in actual progress on October third, nineteen hundred and ten, and oil or gas is thereafter discovered thereon, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law. Any money which may accrue to the United States under the provisions of this Act from lands within the Naval Petroleum Reserves shall be set aside for the needs of the Navy and deposited in the Treasury to the credit of a fund to be known as the Navy Petroleum Fund, which fund shall be applied to the needs of the Navy as Congress may from time to time direct, by appropriation or otherwise. (36 Stat. 1015; 38 Stat. 708.)

This section was added to Act March 2, 1911, ch. 201, cited above, by the amending act, Act August 25, 1914, ch. 287, also cited above.

See notes to Act March 2, 1911, ch. 201, sec. 1, *ante*, sec. 746.

Sec. 748. (Act June 25, 1910, ch. 421, sec. 1.) Withdrawal from settlement, location, etc., and reservation of lands for public purposes.

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States including the District of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an Act of Congress. (36 Stat. 847.)

This was a section of an act entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," cited above.

Provisions of section 2 of this act, as amended by Act August 24, 1912, ch. 369, are set forth, *post*, sec. 749.

Section 3 of this act, omitted here, required the Secretary of the Interior to report to Congress all withdrawals made under this section.

The District of Alaska was organized as the Territory of Alaska by Act August 24, 1912, ch. 387, 37 Stat. 512.

Sec. 749. (Act June 25, 1910, ch. 421, sec. 2, as amended by Act August 24, 1912, ch. 369.) Lands withdrawn from settlement, etc., or entry for public purposes open to exploration, discovery, etc., under mining laws applicable to metalliferous minerals; rights of occupants or claimants of oil or gas bearing lands; previous homesteads, etc., entries excepted.

That all lands withdrawn under the provisions of this Act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals: Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *Provided further*, That this Act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June twenty-fifth, nineteen hundred and ten: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this Act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made. (36 Stat. 847; 37 Stat. 497.)

See notes to preceding section.

This was a portion of section 2 of Act June 25, 1910, ch. 421, cited above, as amended by Act August 24, 1912, ch. 369, also cited above. The amendment consisted in the substitution of the words "metalliferous minerals," where they occur in the first clause as it reads here, for the words "minerals other than coal, oil, gas, and phosphates," of the section originally enacted.

The remaining portion of this section was a proviso prohibiting the creation of or addition to any forest reserve, except by Act of Congress, in certain enumerated States, and is set forth, *ante*, sec. 550.

Sec. 750. (Act July 17, 1914, ch. 142, sec. 1.) Lands withdrawn or classified as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals, subject to appropriation, etc., entry, or purchase under nonmineral land laws, to obtain title with reservation to United States of deposits.

That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a

reservation to the United States of the deposits on account of which the lands are withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this Act shall contain more than one hundred and sixty acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this Act. (38 Stat. 509.)

This section and the two sections next following were an act entitled "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals," cited above.

The provisions of this act, as to certain of the minerals mentioned in this section, were superseded by the provisions for the disposition of such deposits and of lands containing the same, including those in national forests but excluding those acquired under the Weeks Act, made by Act February 25, 1920, ch. 85, *post*, secs. 767-805.

Sec. 751. (Act July 17, 1914, ch. 142, sec. 2.) Patents for lands located, entered, etc., with reservation to United States of deposits; prospecting for, mining and removing reserved deposits; disproving classification and showing nonmineral character of lands.

That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral de-

posits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character. (38 Stat. 509.)

See notes to preceding section.

Sec. 752. (Act July 17, 1914, ch. 142, sec. 3.) Persons having located, entered, etc., under nonmineral land laws, lands subsequently withdrawn, classified, etc., as valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, to receive patents with reservation to United States of deposits.

That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same. (38 Stat. 510.)

See note to section 1 of this act, *ante*, sec. 750.

Sec. 753. (Act January 11, 1915, ch. 9.) Locations, under placer-mining laws, of lands containing deposits of phosphate, valid; patents thereon.

That where public lands containing deposits of phosphate rock have heretofore been located in good faith under the placer-mining laws of the United States and upon which assessment work has been annually performed, such locations shall be valid and may be perfected under the provisions of said placer-mining laws, and patents whether heretofore or hereafter issued thereon shall give title to and possession of such deposits: *Provided*, That this Act shall not apply to any locations made subsequent to the withdrawal of such lands from location, nor shall it apply to lands included in an adverse or conflicting lode location unless such adverse or conflicting location is abandoned. (38 Stat. 792.)

This was an act entitled "An act validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States," cited above.

Sec. 754. (Act October 2, 1917, ch. 62, sec. 1.) Permits to prospect for potassium; maximum area.

That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to issue to any applicant who is a citizen of the United States, an association of such citizens, or a corporation organized under the laws of any State or Territory thereof, a prospecting permit which shall give the exclusive right, for a period not exceeding two years, to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium on public lands of the United States, except lands in and adjacent to Searles Lake, which would be described if surveyed as townships twenty-four, twenty-five, twenty-six, and twenty-seven south of ranges forty-two, forty-three, and forty-four east, Mount Diablo meridian, California: *Provided*, That the area to

be included in such permit shall not exceed two thousand five hundred and sixty acres of land in reasonably compact form. (40 Stat. 297.)

This section and the twelve sections next following were an act entitled "An act to authorize exploration for and disposition of potassium," cited above.

Sec. 755. (Act October 2, 1917, ch. 62, sec. 2.) Patents to permittees on discovery of deposits; extent and form of tracts; leases of vacant land within permits by competitive bidding; royalties and rentals; indeterminate periods for leases.

That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one or more of the substances enumerated in section one hereof have been discovered by the permittee within the area covered by his permit, the permittee shall be entitled to a patent for not to exceed one-fourth of the land embraced in the prospecting permit, to be taken in compact form and described by legal subdivisions of the public-land surveys, or if the land be not surveyed, then in tracts which shall not exceed two miles in length, by survey executed at the cost of the permittee, in accordance with rules and regulations prescribed by the Secretary of the Interior. All other lands described and embraced in such a prospecting permit from and after the exercise of the right to patent accorded to the discoverer, and not covered by leases, may be leased by the Secretary of the Interior, through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres, all leases to be conditioned upon the payment by the lessee of such royalty as may be specified in the lease and which shall be fixed by the Secretary of the Interior in advance of offering the same, and which shall not be less than two per centum on the gross value of the output at the point of shipment, which royalty, on demand of the Secretary of the Interior, shall be paid in the product of such lease, and the payment in advance of a rental, which shall be not less than 25 cents per acre for the first year thereafter; not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively; and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods, upon condition that at the end of each twenty-year period succeeding the date of any lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods, and a patentee under this section may also be a lessee: *Provided*. That the potash deposits in the public lands in and adjacent to Searles Lake in what would be if surveyed townships twenty-four, twenty-five, twenty-six, and twenty-seven south of ranges forty-two, forty-three, and forty-four, east, Mount Diablo meridian, California, may be operated by the United States or may be leased by the Secretary of the Interior under the terms and provisions of this Act: *Provided further*, That the Secretary of the Interior may issue leases under the provisions of this Act for deposits of potash in public lands in Sweetwater County, Wyoming, also containing deposits of coal, on condition that the coal be reserved to the United States. (40 Stat. 298.)

Sec. 756. (Act October 2, 1917, ch. 62, sec. 3.) Use of additional lands for development of deposits.

That in addition to areas of such mineral land to be included in prospecting permits or leases the Secretary of the Interior, in his discretion, may issue to a permittee or lessee under this Act the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land not exceeding forty acres in area for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. (40 Stat. 298.)

Sec. 757. (Act October 2, 1917, ch. 62, sec. 4.) Cancellation of permits for potassium deposits for want of diligence, etc.

That the Secretary of the Interior shall reserve the authority and shall insert in any preliminary permit issued under section one hereof appropriate provisions for its cancellation by him upon failure by the permittee or licensee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit. (40 Stat. 299.)

Sec. 758. (Act October 2, 1917, ch. 62, sec. 5.) No person, etc., to hold interest in lease for area exceeding that allowed one lessee; interest in sales agencies limited; forfeiture for violation.

- That no person shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof which, together with the area embraced in any direct holding of a lease under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, or otherwise, exceeds in the aggregate in any area fifty miles square an amount equivalent to the maximum number of acres allowed to any one lessee under this Act; that no person, association, or corporation holding a lease under the provisions of this Act shall hold more than a tenth interest, direct or indirect, in any other agency, corporate or otherwise, engaged in the sale or resale of the products obtained from such lease; and any violation of the provisions of this section shall be ground for the forfeiture of the lease or interest so held; and the interests held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located, except that any such ownership or interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition. (40 Stat. 299.)

Sec. 759. (Act October 2, 1917, ch. 62, sec. 6.) Reservations in leases; rights of way; right to dispose of surface.

That any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit for joint or several use such easements or rights of way upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act, and the treatment and

shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this Act may reserve to the United States the right to dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease; that the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved. (40 Stat. 299.)

Sec. 760. (Act October 2, 1917, ch. 62, sec. 7.) Provision in leases for protection of United States, prevention of monopoly, etc.

That each lease shall contain provisions deemed necessary for the protection of the interests of the United States, and for the prevention of monopoly, and for the safeguarding of the public welfare. (40 Stat. 299.)

Sec. 761. (Act October 2, 1917, ch. 62, sec. 8.) Proceedings for forfeiture of leases.

That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property or some part thereof is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease, and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof. (40 Stat. 299.)

Sec. 762. (Act October 2, 1917, ch. 62, sec. 9.) Provisions of act applicable to reserved deposits.

That the provisions of this Act shall also apply to all deposits of potassium salts in the lands of the United States which may have been or may be disposed of under laws reserving to the United States the potassium deposits with the right to prospect for, drill, mine, and remove the same, subject to such conditions as to the use and occupancy of the surface as are or may hereafter be provided by law. (40 Stat. 300.)

Sec. 763. (Act October 2, 1917, ch. 62, sec. 10.) Disposition of receipts from royalties and rentals.

That all moneys received from royalties and rentals under the provisions of this Act, excepting those from Alaska, shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress approved June seventeenth, nineteen hundred and two, known as the reclamation Act, but after use thereof in the construction of reclamation works and upon return to the reclamation fund of any such moneys in the manner provided by the reclamation Act and Acts amendatory thereof and supplemental thereto, fifty per centum of the amounts derived from such royalties and rentals, so utilized in and returned to the reclamation fund shall be paid by the Secretary of the Treasury after the expiration of each

fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools. (40 Stat. 300.)

Sec. 764. (Act October 2, 1917, ch. 62, sec. 11.) Rules and regulations.

That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act. (40 Stat. 300.)

Sec. 765. (Act October 2, 1917, ch. 62, sec. 12.) Deposits to be disposed of as provided by act; rights of States not affected.

That the deposits herein referred to, in lands valuable for such minerals, shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of the passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee. (40 Stat. 300.)

Sec. 766. (Act October 2, 1917, ch. 62, sec. 13.) Provisions in leases for regulation and disposition of products.

That the Secretary of the Interior is hereby authorized and directed to incorporate in every lease issued under the provisions of this Act a provision reserving to the President the right to regulate the price of all mineral extracted and sold from the leased premises, which stipulation shall specifically provide that the price or prices fixed shall be such as to yield a fair and reasonable return to the lessee upon his investment and to secure to the consumer any of such products at the lowest price reasonable and consistent with the foregoing: *Provided*, That such lease issued under this Act shall also stipulate that the President shall have authority to so regulate the disposal of the potassium products produced under such lease as to secure its distribution and use wholly within the limits of the United States or its possessions. (40 Stat. 300.)

Sec. 767. (Act February 25, 1920, ch. 85, sec. 1.) Disposition of deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits, in national forests; lands acquired under Weeks Act excluded; helium production reserved; foreign interests restricted.

That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the Act known as the Appalachian Forest Act, approved March 1, 1911 (Thirty-sixth Statutes, page 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this Act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil

shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this Act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this Act. (41 Stat. 437.)

This section and the thirty-seven sections next following were an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," cited above.

Act March 1, 1911, ch. 186, mentioned in this section, is set forth, *ante*, secs. 624-637.

COAL.

Sec. 768. (Act February 25, 1920, ch. 85, sec. 2.) Division of coal lands and deposits for economical mining; leasing of lands or deposits; permits for prospecting undeveloped lands; published notice of proposed leases; limitation on leases to railroads.

That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract, and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding or by such other methods as he may by general regulations adopt, to any qualified applicant: *Provided*, That the Secretary is hereby authorized, in awarding leases for coal lands heretofore improved and occupied or claimed in good faith, to consider and recognize equitable rights of such occupants or claimants: *Provided further*, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this Act, prospecting permits for a term of two years, for not exceeding two thousand five hundred and sixty acres; and if within said period of two years thereafter, the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this Act for all or part of the land in his permit: *And provided further*, That no lease of coal under this Act shall be approved or issued until after notice of the proposed lease, or offering for lease, has been given for thirty days in a newspaper of general circulation in the county in which the lands or deposits are situated: *And provided further*, That no company or corporation

operating a common carrier railroad shall be given or hold a permit or lease under the provisions of this Act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each two hundred miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *And provided further*, That nothing herein shall preclude such a railroad of less than two hundred miles in length from securing and holding one permit or lease hereunder. (41 Stat. 438.)

Sec. 769. (Act February 25, 1920, ch. 85, sec. 3.) Additional contiguous lands and deposits to lessees; limit.

That any person, association, or corporation holding a lease of coal lands or coal deposits under this Act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate two thousand five hundred and sixty acres. (41 Stat. 439.)

Sec. 770. (Act February 25, 1920, ch. 85, sec. 4.) Lease of additional tracts and deposits on exhaustion of deposits; limit.

That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the existing lease, shall not exceed two thousand five hundred and sixty acres, through the same procedure and under the same conditions as in case of an original lease. (41 Stat. 439.)

Sec. 771. (Act February 25, 1920, ch. 85, sec. 5.) Consolidation of leases.

That if, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease areas not exceeding the maximum permitted under this Act may consolidate their leases through the surrender of the original leases and the inclusion of such areas in a new lease of not to exceed two thousand five hundred and sixty acres of contiguous lands. (41 Stat. 439.)

Sec. 772. (Act February 25, 1920, ch. 85, sec. 6.) Operation of noncontiguous tracts of coal or phosphate lands.

That where coal or phosphate lands aggregating two thousand five hundred and sixty acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit. (41 Stat. 439.)

Sec. 773. (Act February 25, 1920, ch. 85, sec. 7.) Royalties and rentals payable; indeterminate periods for leases; conditions; annual advance payment in lieu of continuous operation; suspension of operation to avert loss.

That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of two thousand pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for: *Provided further*, That the Secretary of the Interior may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease can not be operated except at a loss. (41 Stat. 439.)

Sec. 774. (Act February 25, 1920, ch. 85, sec. 8.) Limited licenses for mining for domestic uses, without royalty; corporations excluded; areas to municipalities for household use without profit; holders of other leases not barred.

That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this Act as in his opinion will safeguard the public interests: *Provided*, That this privilege shall not extend to any corporations: *Provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed three hundred and twenty acres for a municipality of less than one hundred thousand population, and not to exceed one and two

hundred and eighty acres for a municipality of not less than one hundred thousand and not more than one hundred and fifty thousand population; and not to exceed two thousand five hundred and sixty acres for a municipality of one hundred and fifty thousand population or more, the land to be selected within the State wherein the municipal applicant may be located, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this Act shall be no bar to the holding of such tract or operation of such mine under said limited license. (41 Stat. 440.)

PHOSPHATES.

Sec. 775. (Act February 25, 1920, ch. 85, sec. 9.) Lease of lands containing phosphates.

That the Secretary of the Interior is hereby authorized to lease to any applicant qualified under this Act any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt. (41 Stat. 440.)

Sec. 776. (Act February 25, 1920, ch. 85, sec. 10.) Extent of area; payment for surveys; form of holding.

That each lease shall be for not to exceed two thousand five hundred and sixty acres of land to be described by the legal subdivisions of the public land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives: *Provided*, That the land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one half times its width. (41 Stat. 440.)

Sec. 777. (Act February 25, 1920, ch. 85, sec. 11.) Royalties payable to be specified in lease; annual rentals payable; indeterminate periods for leases; conditions; suspension of operation to avert loss.

That for the privilege of mining or extracting the phosphates or phosphate rock covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall be not less than 2 per centum of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each third month succeeding that of the sale or other disposition of the phosphates or phosphate rock, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents

per acre for the second, third, fourth, and fifth years, respectively, and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each twenty-year period succeeding the date of the lease such readjustment of terms and conditions shall be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may permit suspension of operation under such lease for not exceeding twelve months at any one time when market conditions are such that the lease can not be operated except at a loss. (41 Stat. 440.)

Sec. 778. (Act February 25, 1920, ch. 85, sec. 12.) Surface lands for development, etc., allowed.

That any qualified applicant to whom the Secretary of the Interior may grant a lease to develop and extract phosphates, or phosphate rock, under the provisions of this Act shall have the right to use so much of the surface of unappropriated and unentered lands, not exceeding forty acres, as may be determined by the Secretary of the Interior to be necessary for the proper prospecting for or development, extraction, treatment, and removal of such mineral deposits. (41 Stat. 441.)

OIL AND GAS.

Sec. 779. (Act February 25, 1920, ch. 85, sec. 13.) Exclusive prospecting permits for oil and gas deposits not within known producing fields; drilling conditions; time extension of permits; form of location; monument and notice, etc.; corner marks, etc., on reserved tracts; permits in Alaska.

That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this Act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed two thousand five hundred and sixty acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than five hundred feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior

to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than four feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within thirty days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of thirty days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within ninety days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than five hundred feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than two thousand feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: *Provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit. (41 Stat. 441.)

Sec. 780. (Act February 25, 1920, ch. 85, sec. 14.) Lease to permittee on discovery; limit; minimum; selection of surveyed areas; payment for surveying of unsurveyed areas; term, royalty, and rental; preference right to remainder of prospected area; minimum royalty, etc.; bidding condition; right to reject bids.

That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as one hundred and sixty acres of said lands, if there be that number of acres within the permit. The area to be selected by the permittee, shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to

be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of \$1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 17 hereof. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per centum in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this Act, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided*, That the Secretary shall have the right to reject any or all bids. (41 Stat. 442.)

Sec. 781. (Act February 25, 1920, ch. 85, sec. 15.) Payment for products before applying for lease.

That until the permittee shall apply for lease to the one quarter of the permit area heretofore provided for he shall pay to the United States 20 per centum of the gross value of all oil or gas secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition. (41 Stat. 442.)

Sec. 782. (Act February 25, 1920, ch. 85, sec. 16.) Drilling restrictions; prevention of waste, etc.; forfeiture for violation.

That all permits and leases of lands containing oil or gas, made or issued under the provisions of this Act, shall be subject to the condition that no wells shall be drilled within two hundred feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction. (41 Stat. 443.)

Sec. 783. (Act February 25, 1920, ch. 85, sec. 17.) Leases of unappropriated deposits in known producing fields; competitive bidding; areas limited; payment of bonus, royalty, and rental; period of leases and renewals; reduction of royalty for small production; provisions applicable to all leases.

That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations

to qualified applicants in areas not exceeding six hundred and forty acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than $12\frac{1}{2}$ per centum in amount or value of the production, and the payment in advance of a rental of not less than \$1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of twenty years, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods. Whenever the average daily production of any oil well shall not exceed ten barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this Act. (41 Stat. 443.)

Sec. 784. (Act February 25, 1920, ch. 85, sec. 18.) Leases, on surrender of rights, etc., by claimants under mining laws having producing wells on withdrawn oil or gas lands; payment for oil produced; period of leases; royalty; area limited to one claimant; limit of selection allowed; regulations, etc., for making leases and fixing royalties; naval petroleum reserve leasing restrictions; lease of remainder of claim; additional drilling permitted; benefits barred by fraud; settlement of pending oil land suits on acceptance of leases; payment of impounded moneys; conflicting claimants; effect of leases; restriction on interests acquired from claimants holding more than maximum area; exception; area restricted.

That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this Act, of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of twenty years, at a royalty of not less than $12\frac{1}{2}$ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed three thousand two hundred acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds six hundred and forty acres. Any claimant or his successor, subject to this lim-

itation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than three thousand two hundred acres.

All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however,* That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within six hundred and sixty feet of any such leased well without the consent of the lessee: *Provided, however,* That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further,* That he may permit the drilling of additional wells by the claimant or his successor within the limited area of six hundred and sixty feet theretofore provided for upon such terms and conditions as he may prescribe.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such lands may be settled and adjusted in accordance herewith and all moneys impounded in such suits or under the Act entitled "An Act to amend an Act entitled 'An Act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest,' approved March 2, 1911," approved August 25, 1914 (Thirty-eighth Statutes at Large, page 708), shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: *Provided,* That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange: *Pro-*

vided further, That no lease or leases under this section shall be granted, nor shall any interest therein, inure to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for. (41 Stat. 443.)

Sec. 785. (Act February 25, 1920, ch. 85, sec. 18a.) Compromise of existing placer claims.

That whenever the validity of any gas or petroleum placer claim under preexisting law to land embraced in the Executive order of withdrawal issued September 27, 1909, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within twelve months after the approval of this Act to direct the compromise and settlement of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation. (41 Stat. 444.)

Sec. 786. (Act February 25, 1920, ch. 85, sec. 19.) Prospecting permits to valid claimants of oil or gas lands not withdrawn, not making discovery; prior work required; lease if discovery made; royalty, if in producing fields; Navy lands excluded; benefits barred by fraud; persons entitled to permits.

That any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to the passage of this Act, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate of \$250 for each location if application therefor shall be made within six months from the passage of this Act shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other permits provided for in this Act, or where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 18 hereof: *Provided*, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than 12½ per centum of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided, however*, That the provisions of this section shall not apply to lands reserved for the use of the Navy: *Provided, however*, That no claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

All permits or leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear. (41 Stat. 445.)

Sec. 787. (Act February 25, 1920, ch. 85, sec. 20.) Preference right to agricultural entrymen on lands not withdrawn as mineral, for permit and lease on discovery; combinations permitted; royalties.

In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns holding restricted patents may combine their holdings, not to exceed two thousand five hundred and sixty acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than $12\frac{1}{2}$ per centum as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof (41 Stat. 445.)

OIL SHALE.

Sec. 788. (Act February 25, 1920, ch. 85, sec. 21.) Lease of lands containing deposits of oil shale; area limited; periods and conditions of leases; royalties and rentals; discretionary waiving of royalties; leases to claimants relinquishing former rights; benefits barred by fraud; only one lease to any one person, etc.

That the Secretary of the Interior is hereby authorized to lease to any person or corporation qualified under this Act any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with this Act as he may prescribe; that no lease hereunder shall exceed five thousand one hundred and twenty acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each twenty-year period by the Secretary of the Interior: *Provided*, That for the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease: *Provided*, That any person having a valid claim to such minerals under existing laws on January 1, 1919, shall, upon the relinquishment of such claim, be entitled to a lease under the pro-

visions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation: *Provided, however*, That no claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section: *Provided, further*, That not more than one lease shall be granted under this section to any one person, association, or corporation. (41 Stat. 445.)

ALASKA OIL PROVISIO.

Sec. 789. (Act February 25, 1920, ch. 85, sec. 22.) Prospecting permits to valid claimants of oil or gas lands in Alaska, making discovery prior to withdrawal; prior improvements required; number of permits allowed; rentals and royalties; discretionary waiver of royalties; benefits barred by fraud.

That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery of oil or gas on or for each location or had prior to the passage of this Act expended not less than \$250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this Act, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this Act covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of one thousand two hundred and eighty acres in each: *Provided*, That leases in Alaska under this Act whether as a result of prospecting permits or otherwise shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each twenty-year period of the lease: *Provided further*, That for the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section. (41 Stat. 446.)

SODIUM.

Sec. 790. (Act February 25, 1920, ch. 85, sec. 23.) Exclusive prospecting permits for sodium deposits; area limited, lands excluded.

That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium dissolved in and soluble in water, and accumulated by concentration, in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the

area to be included in such a permit shall be not exceeding two thousand five hundred and sixty acres of land in reasonably compact form: *Provided, further,* That the provisions of this section shall not apply to lands in San Bernardino County, California. (41 Stat. 447.)

Sec. 791. (Act February 25, 1920, ch. 85, sec. 24.) Lease to permittee of one-half of area in which discovery is made; royalty; preference to lease remainder of land; lands containing known deposits subject to lease; conditions; royalties and rentals; periods and conditions of leases.

That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 23 hereof has been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor the permittee shall be entitled to a lease for one-half of the land embraced in the prospecting permit, at a royalty of not less than one-eighth of the amount or value of the production, to be taken and described by legal subdivisions of the public-land surveys, or if the land be not surveyed by survey executed at the cost of the permittee in accordance with the rules and regulations to be prescribed by the Secretary of the Interior. The permittee shall also have the preference right to lease the remainder of the lands embraced within the limits of his permit at a royalty of not less than one-eighth of the amount or value of the production to be fixed by the Secretary of the Interior. Lands known to contain such valuable deposits as are enumerated in section 23 hereof and not covered by permits or leases, except such lands as are situated in said county of San Bernardino, shall be held subject to lease, and may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding two thousand five hundred and sixty acres; all leases to be conditioned upon the payment by the lessee of such royalty of not less than one-eighth of the amount or value of the production as may be fixed in the lease, and the payment in advance of a rental of 50 cents per acre for the first calendar year or fraction thereof and \$1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited on the royalty for that year. Leases may be for indeterminate periods, subject to readjustment at the end of each twenty-year period, upon such conditions not inconsistent herewith as may be incorporated in each lease or prescribed in general regulation theretofore issued by the Secretary of the Interior, including covenants relative to mining methods, waste, period of preliminary development, and minimum production, and a lessee under this section may be lessee of the remaining lands in his permit. (41 Stat. 447.)

Sec. 792. (Act February 25, 1920, ch. 85, sec. 25.) Use of unoccupied lands for development work, etc.; rental.

That in addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right

to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land, not exceeding forty acres in area, for camp sites, refining works, and other purposes connected with an necessary to the proper development and use of the deposits covered by the permit or lease. (41 Stat. 447.)

GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE, AND GAS LEASES.

Sec. 793. (Act February 25, 1920, ch. 85, sec. 26.) Reservation of authority to cancel prospecting permits for coal, phosphate, sodium, oil, oil shale, and gas, for want of diligence.

That the the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this Act appropriate provisions for its cancellation by him. (41 Stat. 448.)

Sec. 794. (Act February 25, 1920, ch. 85, sec. 27.) No persons, etc., to hold more than one coal, phosphate, or sodium lease; no person, etc., to hold more than three oil or gas leases or more than one within geologic structure of same field; indirect holding of interests in other leases or areas prohibited; forfeiture of prohibited interests; combinations for refineries, pipe lines, etc., and coal roads permitted; approval necessary; forfeiture for subleasing, etc., in restraint of trade.

That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this Act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this Act. Any interests held in violation of this Act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this Act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this Act from combining their

several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this Act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this Act shall be subleased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this Act, the lease thereof shall be forfeited by appropriate court proceedings. (41 Stat. 448.)

Sec. 795. (Act February 25, 1920, ch. 85, sec. 28.) Rights of way for pipe lines granted through public lands, including forest reserves; construction, operation, etc., conditions; express condition for conveyance of oil of other producers, etc., applicable to future grants; forfeiture for violations.

That rights of way through the public lands, including the forest reserves, of the United States are hereby granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this Act, to the extent of the ground occupied by the said pipe line and twenty-five feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this Act: *Provided further*, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding. (41 Stat. 449.)

Sec. 796. (Act February 25, 1920, ch. 85, sec. 29.) Joint use of easements, etc., reserved; discretionary reservation of disposal of surface of lands leased; determination before offering of lease; permits for easements reserved.

That any permit, lease, occupation, or use permitted under this Act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this Act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this Act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved. (41 Stat. 449.)

Sec. 797. (Act February 25, 1920, ch. 85, sec. 30.) Assignments, etc., of leases restricted; relinquishments allowed; restrictive provisions for diligence, safety, etc.; labor restrictions; restrictions as to sale of production, prevention of monopoly, etc.; State laws not impaired.

That no lease issued under the authority of this Act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of sixteen or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated. (41 Stat. 449.)

Sec. 798. (Act February 25, 1920, ch. 85, sec. 31.) Forfeiture of leases for noncompliance with act, etc.; legal proceedings; settlement of disputes.

That any lease issued under the provisions of this Act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this Act, of the lease, or of the general regulations promulgated under this Act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof. (41 Stat. 450.)

Sec. 799. (Act February 25, 1920, ch. 85, sec. 32.) Regulations, etc., authorized; rights of States, etc., not affected.

That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this Act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this Act: *Provided*, That nothing in this Act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States. (41 Stat. 450.)

Sec. 800. (Act February 25, 1920, ch. 85, sec. 33.) Sworn statements, etc.

That all statements, representations, or reports required by the Secretary of the Interior under this Act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require. (41 Stat. 450.)

Sec. 801. (Act February 25, 1920, ch. 85, sec. 34.) Application of act to all deposits on reserved lands.

That the provisions of this Act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits. (41 Stat. 450.)

Sec. 802. (Act February 25, 1920, ch. 85, sec. 35.) Disposal of receipts from sales, bonuses, royalties, and rentals; to the Treasury; to reclamation fund; to States for roads, educational institutions, etc.; moneys from naval petroleum reserves to the Treasury.

That 10 per centum of all money received from sales, bonuses, royalties, and rentals under the provisions of this Act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per centum, and for future production 52½ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, and for past production 20 per centum, and

for future production $37\frac{1}{2}$ per centum of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts." (41 Stat. 450.)

Sec. 803. (Act February 25, 1920, ch. 85, sec. 36.) Oil or gas royalties payable in kind; sale of royalty oil or gas by competitive bidding; action on bids; readvertising, private sales, etc.; disposal of current product at market price; sales to Government.

That all royalty accruing to the United States under any oil or gas lease or permit under this Act on demand of the Secretary of the Interior shall be paid in oil or gas.

Upon granting any oil or gas lease under this Act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided, however*, That pending the making of a permanent contract for the sale of any royalty, oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further*, That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States. (41 Stat. 451.)

Sec. 804. (Act February 25, 1920, ch. 85, sec. 37.) Act applicable to all deposits of coal, phosphate, sodium, oil, oil shale, and gas; perfection of valid claims allowed.

That the deposits of coal, phosphates, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled "Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming," approved August 1, 1912 (Thirty-seventh Statutes at Large, page 1346), shall be subject to disposition only in the form and manner provided in this Act, except as to valid claims existent at date of the passage of this Act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery. (41 Stat. 451.)

Sec. 805. (Act February 25, 1920, ch. 85, sec. 38.) Land office fees authorized.

That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this Act. (41 Stat. 451.)

Sec. 806. (Act March 3, 1875, ch. 152, sec. 1.) Rights of way through public lands, and materials, grounds for stations, etc., granted to railroads.

That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road; also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine shops, side-tracks, turn-outs, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road. (18 Stat. 482.)

This section and the five sections next following were an act entitled "An act granting to railroads the right of way through the public lands of the United States," cited above.

Provisions for rights of way to railroads through public lands in Alaska, similar to those of this act, were made by Act May 14, 1898, ch. 299, 30 Stat. 409.

Sec. 807. (Act March 3, 1875, ch. 152, sec. 2.) Rights of several roads through canyons, etc.; effect on wagon roads and highways.

That any railroad company whose right of way, or whose track or road-bed upon such right of way, passes through any canyon, pass or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile. (18 Stat. 482.)

Sec. 808. (Act March 3, 1875, ch. 152, sec. 3.) Condemnation of lands.

That the legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public

lands of the United States may be condemned; and where such provisions shall not have been made, such condemnation may be made in accordance with section three of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four. (18 Stat. 482.)

The acts referred to in this section were Act July 1, 1862, ch. 120, 12 Stat. 489, and Act July 2, 1864, ch. 216, 13 Stat. 357.

Sec. 809. (Act March 3, 1875, ch. 152, sec. 4.) Map of road to be filed; forfeiture of rights granted.

That any railroad-company desiring to secure the benefits of this act, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road. (18 Stat. 483.)

The filing and approval of surveys and plats of any right of way for railroads, etc., over and across any forest reservation "in the form provided by existing law," were authorized by Act March 3, 1899, ch. 427, sec. 1, *post*, sec. 812.

The forfeiture of rights granted by this act, as provided by this section, where the railroad or any section thereof has not been constructed within five years after its location, was declared and enforced by Act June 26, 1906, ch. 3550, and Act February 25, 1909, ch. 191, *post* secs. 813, 814.

Sec. 810. (Act March 3, 1875, ch. 152, sec. 5.) Lands specially reserved from sale excepted from operation of act.

That this act shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands specially reserved from sale unless such right of way shall be provided for by treaty-stipulation or by act of Congress heretofore passed. (18 Stat. 483.)

See notes as to rights of way to railroads through public lands in Alaska, and as to filing and approval of surveys and plats of rights of way over forest reservations, under sections 1 and 4 of this act, *ante*, 806, 809.

Sec. 811. (Act March 3, 1875, ch. 152, sec. 6.) Right reserved to alter, amend or repeal act.

That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any part thereof. (18 Stat. 483.)

Sec. 812. (Act March 3, 1899, ch. 427, sec. 1.) Rights of way over forest reservations or reservoir sites for wagon roads, railroads, etc.

That in the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for

a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby. (30 Stat. 1233.)

This was a provision of the deficiency appropriation act for the fiscal year 1899, cited above.

Rights of way to railroad companies through the public lands are provided for by Act March 3, 1875, ch. 152, and the filing and approval of surveys and plats are authorized by section 4 thereof, *ante*, secs. 806-811.

Sec. 813. (Act June 26, 1906, ch. 3550.) Forfeiture of rights granted to railroads where road or section thereof has not been constructed in five years after location.

That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby freed and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: *Provided*, That in any case under this Act where construction of the railroad is progressing in good faith at the date of the approval of this Act the forfeiture declared in this Act shall not take effect as to such line of railroad. (34 Stat. 482.)

This was an act entitled "An act to declare and enforce the forfeiture provided by section four of the act of Congress approved March third, eighteen hundred and seventy-five, entitled 'An act granting to railroads the right of way through the public lands of the United States,'" cited above.

Act March 3, 1875, ch. 152, mentioned in this act, section 4, of which provided for forfeiture of the rights granted thereby, as declared by this act, is set forth, *ante*, secs. 806-811.

Subsequent provisions similar to those of this act were made by Act February 25, 1909, ch. 191, *post*, sec. 814.

Sec. 814. (Act February 25, 1909, ch. 191.) Forfeiture of rights granted to railroads where road or section thereof has not been constructed in five years after location.

That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore

conveyed by the United States subject to any such grant of right of way or station grounds: *Provided*, That no right of way on which construction is progressing in good faith at the time of the passage of this Act shall be in any wise affected, validated or invalidated, by the provisions of this Act. (35 Stat. 647.)

This was an act entitled "An act to declare and enforce the forfeiture provided by section four of the act of Congress approved March third, eighteen hundred and seventy-five, entitled 'An act granting to railroads the right of way through the public lands of the United States,'" cited above.

Act March 3, 1875, ch. 152, mentioned in this act is set forth *ante*, secs. 806-811.

Previous provisions similar to those of this Act were made by Act June 26, 1906, ch. 3550, *ante*, sec. 813.

Sec. 815. (Act May 18, 1898, ch. 343.) Right of way through Grand Canyon Forest Reserve granted to Santa Fe & Grand Canyon Railroad Company.

That the Santa Fe and Grand Canyon Railroad Company, a corporation created and existing under the laws of the Territory of Arizona, is authorized to construct and maintain a railroad over and through the Grand Canyon Forest Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Benjamin Harrison, President of the United States, by proclamation of date the twentieth day of February, eighteen hundred and ninety-three), said railroad to enter the said Grand Canyon Forest Reserve at such a point on the southern boundary of said reserve in Coconino County, Arizona, as may be found to be the most feasible for the route of said railroad, running in a northerly direction from Williams, Arizona; thence proceeding by the most practicable route through a point at or near Lombard and the Bright Angel Trail to the Indian Gardens, and from said Bright Angel Trail in an easterly direction to the Little Colorado River; also to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach the various groups of mines in said forest reserve, all in said Coconino County; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, said Act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the rights of way herein granted. (30 Stat. 418.)

This was an act entitled "An Act granting the Santa Fe and Grand Canyon Railroad Company right of way for railroad purposes through the Grand Canyon Forest Reserve in Northern Arizona," cited above.

Act March 3, 1875, ch. 152, mentioned in this act, is set forth *ante*, secs. 806-811.

Sec. 816. (Act June 27, 1898, ch. 501.) Right of way through Pikes Peak Timber Land Reserve granted to Cripple Creek District Railway Company.

That the Cripple Creek District Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order), said railway to enter said Pikes Peak Timber Land

Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colorado, as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colorado, thence proceeding by the most practicable route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any groups of mines in said forest reserve, all in said El Paso County; and the said railway company is hereby also granted right of way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, said Act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside the rights of way herein granted. (30 Stat. 493.)

This was an act entitled "An act granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek district Railway Company," cited above.

Act March 3, 1875, ch. 152, mentioned in this act, is set forth, *ante*, secs. 806-811.

A similar grant was made to the Cripple Creek Short-Line Railway Company, by Act July 8, 1898, ch. 645, *post*, sec. 817.

Sec. 817. (Act July 8, 1898, ch. 645.) Right of way through Pikes Peak Timber Land Reserve granted to Cripple Creek Short-Line Railway Company.

That the Cripple Creek Short-Line Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order), said railway to enter said Pikes Peak Timber Land Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colorado, as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colorado, thence proceeding by the most practical route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any groups of mines in said forest reserve, all in said El Paso County; and the said railroad company is hereby also granted right of way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, said Act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railroad company for any purpose outside of the rights of way herein granted: *And provided further*, That the right of way herein granted shall not interfere with the right of way on Government land through the Pikes Peak Timber-land Reserve, granted by Act of Congress, entitled: "An Act granting right of way through the Pikes Peak

Timber-land Reserve and the public lands to the Cripple Creek District Railway Company," approved June twenty-seventh, eighteen hundred and ninety-eight. (30 Stat. 729.)

This was an act entitled "An act granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short-Line Railway Company," cited above.

Act March 3, 1875, ch. 152, mentioned in this act, is set forth, *ante*, secs. 806-811.

Act June 27, 1898, ch. 501, also mentioned herein, is set forth, *ante*, sec. 816.

Sec. 818. (Act January 10, 1899, ch. 44.) Right of way through San Francisco Mountains Forest Reserve granted to Saginaw Southern Railroad Company.

That the Saginaw Southern Railroad Company, a corporation created and existing under the laws of the Territory of Arizona, is authorized to construct and maintain a railroad over and through the San Francisco Mountains Forest Reserve (heretofore reserved from entry and settlement and set apart as a public reserve by William McKinley, President of the United States, by proclamation dated the seventeenth day of August, eighteen hundred and ninety-eight). Said railroad to be constructed upon and across the said San Francisco Mountains Forest Reserve from a point on the line of the Santa Fe Pacific Railroad Company at the town of Williams, in the county of Coconino, Territory of Arizona, thence in a southerly direction by the most practical route to the town of Jerome, in the county of Yavapai, Territory of Arizona; also to construct and maintain such side tracks, extensions, switches, and spurs as may be necessary to the convenient construction and maintenance of said railroad in the said counties of Coconino and Yavapai; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, said Act being hereby made applicable to the right of way hereby granted: *Provided*, that no timber shall be cut by said railroad company for any purpose outside of the right of way herein granted. (30 Stat. 783.)

This was an act entitled "An act granting the Saginaw Southern Railroad Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve," cited above.

Act March 3, 1875, ch. 152, mentioned in this act, is set forth, *ante*, secs. 806-811.

Sec. 819. (Act February 28, 1899, ch. 223, sec. 1.) Right of way through San Gabriel Forest Reserve granted to Pasadena & Mount Wilson Railway Company.

That there is hereby granted to the Pasadena and Mount Wilson Railway Company, a corporation organized and existing under the laws of the State of California, and to its successors and assigns, authority to construct, maintain, and operate a railway for a distance of nine miles, more or less, over and through the San Gabriel Forest Reserve (heretofore reserved from entry and settlement and set apart as a public reservation by Benjamin Harrison, President of the United States, by proclamation of date the twentieth day of December, anno Domini eighteen hundred and ninety-two), from the place in said forest reserve known as Rubio to the summit of the mountain known as Mount Lowe, in the Sierra Madre Mountains.

in the county of Los Angeles and State of California, the course of said railway to be the same as that of the railroad now operated by said railway company from Rubio aforesaid to Alpine Tavern, the present terminus of said railroad, and from thence to the summit of said Mount Lowe, by the most practicable route; said right of way being hereby granted to said Pasadena and Mount Wilson Railway Company, but subject to the rights, privileges, rules, and restrictions of an Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, anno Domini eighteen hundred and seventy-five, said Act being hereby made applicable to the right of way hereby granted: *Provided*, That no timber shall be cut by said railway company for any purpose outside of the right of way herein granted: *And provided further*, That said company shall give bond as provided by the regulations of the Secretary of the Interior prescribed under the law relating to forest reserves. (30 Stat. 910.)

This section and the two sections next following were part of an act entitled "An act to grant to the Pasadena and Mount Wilson Railway Company right of way and certain lands for railroad purposes through the San Gabriel Forest Reserve," cited above.

Act March 3, 1875, ch. 152, mentioned in this section, is set forth, *ante*, secs. 806-811.

Sec. 820. (Act February 28, 1899, ch. 223, sec. 2.) Sale to Pasadena & Mount Wilson Railway Company of additional land for stations, etc.

That in addition to such of the public ground as said railway company will be entitled to take, under and in accordance with the provisions of the said Act entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, anno Domini eighteen hundred and seventy-five, for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, the Secretary of the Interior is hereby authorized to sell, at the rate of one dollar and twenty-five cents per acre, to the said Pasadena and Mount Wilson Railway Company, its successors and assigns, for stations, hotels, astronomical observatories, seminaries of learning, and such other buildings and purposes as may be required in connection with said railway line, the following-described parcels of land along said right of way, to wit: The unsurveyed land described as the west half of the northwest quarter of the northwest quarter of section two, when regularly protracted, in township one north, range twelve west, San Bernardino meridian, containing twenty acres, more or less.

Also the tract or parcel of land described as follows, to wit: Beginning at a point in the easterly line of the two-hundred-foot right of way of the Pasadena and Mount Wilson Railway Company, which point is north twenty-seven degrees thirty minutes west nine hundred feet from the point where said right-of-way line crosses the north line of section three, township one north, range twelve west; running thence north sixty-two degrees forty minutes east five hundred feet; thence north twenty-seven degrees thirty minutes west one thousand eight hundred and fifty feet; thence west three hundred and fifty feet, more or less, to the easterly line of the right of way aforesaid; thence southeasterly along said right of way to the place of beginning, containing twenty acres, more or less.

Also the unsurveyed lands described as the west half of the west half of the southeast quarter and the east half of the east half of the southwest quarter of section twenty-six, township two north, range twelve west, San Bernardino meridian, when regular protracted, containing eighty acres, more or less.

Also a tract of land consisting of forty acres at the terminus of said right of way at Mount Lowe: *Provided*. That all minerals, including coal, in all of said right of way and lands hereby granted are reserved to the United States. (30 Stat. 910.)

Sec. 821. (Act February 28, 1899, ch. 223, sec. 3.) Right of way and lands granted for use of Pasadena & Mount Wilson Railway Company only.

That the said right of way and lands for stations, hotels, astronomical observatories, seminaries of learning, and other purposes granted hereby are intended for the use of said Pasadena and Mount Wilson Railway Company, its successors and assigns, and in case of the sale of said Pasadena and Mount Wilson Railway and its appurtenances by act of the corporation or under decree of court, all of the rights and benefits hereby granted shall vest in the owner or owners for the time being of said railway line and appurtenances. (30 Stat. 911.)

Sec. 822. (Act February 25, 1903, ch. 757.) Right of way through San Francisco Mountains Forest Reserve granted to Central Arizona Railway Company.

That upon the conditions herein named the Central Arizona Railway Company, a corporation existing under the laws of the Territory of Arizona, is hereby granted a right of way, conformably to the Act entitled "An Act granting to railroads a right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five, and the existing regulations adopted thereunder, over and through the San Francisco Mountains Forest Reserve, in the Territory of Arizona, for a line of railroad from a point at or near Flagstaff, in the county of Coconino, Territory of Arizona, in a southwesterly direction by the most practicable route to the town of Jerome, in the county of Yavapai, Territory of Arizona, and thence in a southeasterly direction to the town of Globe, in the county of Gila, Territory of Arizona, with the right to construct and maintain all necessary side tracks, extensions, switches, spurs, and water stations: *Provided*, That as a condition to obtaining such right of way the said company shall be required to agree, in writing, to conform to such further regulations as may be prescribed by the Secretary of the Interior for the purpose of protecting the said forest reserve and conserving the purposes for which the reserve was established and is maintained; but said company shall not be authorized to take or cut any timber within the limits of said forest reserve outside of its said right of way. (32 Stat. 907.)

This was an act entitled "An act granting the Central Arizona Railway Company a right of way for railroad purposes through the San Francisco Mountains Forest Reserve, and the Territory of Arizona," cited above.

Act March 3, 1875, ch. 152, mentioned in this act, is set forth *ante*, secs. 806-811.

Sec. 823. (Act October 3, 1914, ch. 314, sec. 1.) Right of way upon Fort Wingate Military Reservation granted to Atchison, Topeka and Santa Fe Railway Company for railway, telegraph, and telephone lines.

That The Atchison, Topeka and Santa Fe Railway Company, of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, granted authority, subject to the limitations and conditions hereinafter set forth, to survey, locate, construct, and maintain a railway, telegraph, and telephone line into and upon Fort Wingate Military Reservation, New Mexico, to connect with its present right of way, as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fall. (38 Stat. 726.)

This section and the three sections next following were an act entitled "An act granting to The Atchison, Topeka and Santa Fe Railway Company a right of way through the Fort Wingate Military Reservation, New Mexico, and for other purposes," cited above.

The Fort Wingate Military Reservation was made a part of the Zuni National Forest, subject to the use of the War Department for military purposes, by a provision of the agricultural appropriation act for the fiscal year 1913, Act August 10, 1912, ch. 284, *ante*, sec. 681.

Sec. 824. (Act October 3, 1914, ch. 314, sec. 2.) Width of right of way; use restricted to purposes of grant; reversion on non-user; use of constructions by other persons, etc., and determination of compensation therefor; approval of description of lands taken; compliance with regulations.

That said corporation is authorized to use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way two hundred feet in width through said Fort Wingate Reservation, with the right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding one hundred feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill, excepting, however, from said right of way hereby granted that strip or portion thereof which would be included within the limits of the present two hundred foot right of way heretofore granted to said The Atchison, Topeka and Santa Fe Railway Company and used by it as its main line right of way: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War, or from the chief officer of the department under whose supervision such reservation may otherwise fall, use the track and other constructions herein authorized to be placed upon the reservation by the said The Atchison, Topeka and Santa Fe Railway Company upon paying just compensation; and, if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid

for said use shall be fixed by the Secretary of War or by the chief officer of the department under whose supervision such reservation may otherwise fall: *Provided further*, That before this Act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War, or by the chief officer of the department under whose supervision such reservation may otherwise fall: *And provided further*, That the said The Atchison, Topeka and Santa Fe Railway Company, of Kansas, and other parties obtaining license from the Secretary of War or chief officer of the department under whose supervision such reservation may otherwise fall, as hereinbefore provided, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War, or by the chief officer of the department under whose supervision such reservation may otherwise fall. (38 Stat. 726.)

Sec. 825. (Act October 3, 1914, ch. 314, sec. 3.) Limitation to period of grant.

That the powers herein granted are limited to a period of fifty years unless sooner altered, amended, or repealed by Congress. (38 Stat. 727.)

Sec. 826. (Act October 3, 1914, ch. 314, sec. 4.) Right reserved to alter, amend or repeal act.

That the right to alter, amend, or repeal this Act is hereby expressly reserved. (38 Stat. 727.)

Sec. 827. (Act February 27, 1915, ch. 65.) Revision of right of way of Great Northern Railway Company along southern boundary of Glacier National Park authorized; lands north of revised right of way excluded from Lewis and Clark National Forest, and made a part of Glacier National Park; lands south of revised right of way made a part of Lewis and Clark National Forest and subject to national forest laws and regulations; approval of revision; relinquishment by railway companies of claims to right of way affected by revision.

That, with the consent and approval of the Secretary of the Interior and upon the filing with the Interior Department and the approval thereof by said Secretary of maps of definite location within three years from the passage of this Act, the Great Northern Railway Company, a corporation of the State of Minnesota, be, and it is hereby, authorized to revise the location of that part of its line of railway along the southern boundary of the Glacier National Park, in the State of Montana, on the terms and conditions and subject to the limitations and restrictions granted by and contained in an Act of Congress entitled "An Act granting to railroads the right of way through the public lands of the United States," approved March third, eighteen hundred and seventy-five (Eighteenth Statutes, page four hundred and eighty-two), as amended by an Act of Congress entitled "An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for prior years, and for other purposes," approved March third, eighteen hundred and ninety-nine (Thirtieth Statutes, page twelve hundred and thirty-three): *Provided*, That all lands north of the north line of the revised right of way, when said revised line of right of way shall have been approved as aforesaid, shall be excluded from the Lewis and

Clark National Forest and become and remain part of the Glacier National Park, and be subject to all the provisions of an Act of Congress entitled "An Act to establish 'the Glacier National Park' in the Rocky Mountains south of the international boundary line in the State of Montana, and for other purposes," approved May eleventh, nineteen hundred and ten (Thirty-sixth Statutes, page three hundred and fifty-four), and to all the provisions of any Act of Congress that may hereafter be passed relative to said park, and the regulations of the Secretary of the Interior heretofore or hereafter prescribed in accordance with law for the government of the Park, and that any and all lands south of the north line of such revised line of right of way which may now be within the Glacier National Park shall become and remain a part of the Lewis and Clark National Forest and be subject to and be governed by the laws heretofore or hereafter enacted by Congress and the regulations heretofore or hereafter prescribed by the Secretary of Agriculture for the control of national forests: *Provided further*, That before the Secretary of the Interior shall consent to and approve the revision of location herein authorized, the Great Northern Railway Company shall file with the said Secretary a relinquishment of all claims of whatever nature to that portion of its right of way affected by said revised location. (38 Stat. 814.)

This was an act entitled "An act to authorize the Great Northern Railway Company to revise the location of its right of way, and for other purposes," cited above.

Act March 3, 1875, ch. 152, mentioned in this act, and the provision of Act March 3, 1899, ch. 427, sec. 1, also referred to, are set forth, *ante*, secs. 806-812.

Sec. 828. (Act March 4, 1915, ch. 174, sec. 1.) Right of way upon Lincoln National Forest granted El Paso and Rock Island Railway Company for water supply; forfeiture for nonuser.

That a right of way is hereby granted to the El Paso and Rock Island Railway Company, a corporation organized under the laws of New Mexico, its successors and assigns, over, through, across, and upon the Lincoln National Forest, in the State of New Mexico, subject to the conditions herein contained, for the construction, maintenance, and operation of its present pipe lines now located thereupon, and such additions and extensions as it may make thereto, for the purpose of enabling it to carry water owned or in the future acquired by it to and along its railroad right of way situated outside of such national forest for use in its locomotive engines, cars, trains, railroad shops, and tanks, and other railroad purposes, together with a right of way over and right to improve, construct, maintain, use, and occupy the present reservoir site now used and occupied by such railroad company for the storage of water for such purposes: *Provided*, That the Secretary of Agriculture may upon abandonment or nonuse of the same for the purpose for which it is granted for a period not less than one year declare said right of way or any part thereof forfeited and annul the same. (38 Stat. 1195.)

This section and the seven sections next following were an act entitled "An act granting the El Paso and Rock Island Railway Company a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes," cited above.

Sec. 829. (Act March 4, 1915, ch. 174, sec. 2.) Width of right of way for pipe lines; maps and approval thereof for extensions or additions.

That the right of way hereby granted for such pipe lines shall be so much as may be necessary only for such purposes, not to exceed, however, twenty-five feet on each side of the present center thereof where the same is already constructed, and an equal width for all extensions thereof, or additions thereto; and maps of the location of any such extensions or additions to such pipe lines shall be prepared by the company and submitted to the Secretary of Agriculture, in accordance with his directions with reference thereto, for his approval, and the right of way as to the same shall take effect from his approval thereof only. (38 Stat. 1195.)

Sec. 830. (Act March 4, 1915, ch. 174, sec. 3.) Conformity with national-forest regulations; limitation on cutting timber; payment for timber and wood cut.

That the company shall conform to all and singular the regulations adopted or prescribed by the Secretary of Agriculture governing such national forest, or the use or users thereof, and shall not take, cut, or destroy any timber within the same except such as it may be actually necessary to remove to construct its said pipe lines and the structures pertaining thereto, and it shall pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the said national forest. (38 Stat. 1195.)

Sec. 831. (Act March 4, 1915, ch. 174, sec. 4.) Private rights protected; grant not to affect control of water under laws.

That no private right, title, or interest owned by any person, persons, or corporation in such national forest shall be interfered with or abridged except with the consent of the owner or owners or by due process of law and just compensation to said owner or owners; nor shall the privileges herein granted be construed to interfere with the control of water for any purpose under the laws of the United States or of the State of New Mexico. (38 Stat. 1195.)

Sec. 832. (Act March 4, 1915, ch. 174, sec. 5.) Rights granted subject to national forest laws and regulations; liability for infractions; rights forfeitable for continuous infractions or failure of payment.

That the enjoyment of the rights hereby granted shall be subject at all times to all laws relating to the national forests and to all rules and regulations authorized and established thereunder. For infraction of such laws, rules, or regulations the owner or user of such right of way shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach, and if such infractions are continuous and willful, or if there is continued failure on the part of such company to pay any amount due the forest service from said company, for a period of sixty days after notice of the continuance of such infraction or of the amount so due, the rights herein granted shall be, and become forfeitable in accordance with law. (38 Stat. 1195.)

Sec. 833. (Act March 4, 1915, ch. 174, sec. 6.) Grantee to maintain water supply for grazing animals.

That the company shall continue to maintain the present watering troughs and supply water as at present for the use of animals law-

fully grazing upon such national forest or at such other place along such pipe line, in lieu thereof, as the officer in charge of such national forest shall from time to time direct. (38 Stat. 1196.)

Sec. 834. (Act March 4, 1915, ch. 174, sec. 7.) Limitation to time of construction and use.

That all right of way hereunder for such pipe line not constructed and in use within three years from the date hereof shall cease and determine at the expiration of such period. (38 Stat. 1196.)

Sec. 835. (Act March 4, 1915, ch. 174, sec. 8.) Act not to be construed as recognition of claims of waiver of stipulation of grantee concerning water rights in litigation.

That this Act shall not be construed as a recognition of any claim of the El Paso and Rock Island Railway Company, of or concerning water rights in the Hondo River or its tributaries, or of any claim of right to divert water from the watersheds of said streams, or as a waiver of any stipulation heretofore agreed to by the said company for use in the litigation concerning water rights pending in the United States district court for the district of New Mexico in which the United States and the said company are parties. (38 Stat. 1196.)

Sec. 836. (Act March 3, 1891, ch. 561, sec. 18, as amended by Act March 4, 1917, ch. 184, sec. 1.) Right of way through public lands and reservations granted to canal and ditch companies for irrigation or drainage purposes.

That the right of way through the public lands and reservations of the United States is hereby granted to any canal or ditch company or drainage district formed for the purpose of irrigation or drainage and duly organized under the laws of any State or Territory, and which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation and due proofs of its organization under the same, to the extent of the ground occupied by the water of the reservoir and of the canal and its laterals, and fifty feet on each side of the marginal limits thereof; also the right to take from the public lands adjacent to the line of the canal or ditch, material, earth, and stone necessary for the construction of such canal or ditch: *Provided*, That no such right of way shall be so located as to interfere with the proper occupation by the Government of any such reservation, and all maps of location shall be subject to the approval of the department of the Government having jurisdiction of such reservation; and the privilege herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under authority of the respective States or Territories. (26 Stat. 1101, 39 Stat. 1197.)

This was a section of an act entitled "An act to repeal timber-culture laws, and for other purposes," cited above, as amended by Act March 4, 1917, ch. 164, sec. 1, also cited above.

This section as originally enacted was amended by inserting after the words "any canal or ditch company" the words "or drainage district," and by inserting after the words "for the purposes of irrigation," the words "or drainage," so as to make the section read as set forth above.

Sections 19, 29, and 21 of this Act, relating further to grants under this section, are set forth *post*, secs. 837-839.

The rights of way for ditches, canals, or reservoirs granted and approved under the provisions of this section and the three sections next following, may be used for purposes of a public nature, and for purposes of water transportation, or domestic purposes, or for development of power, by Act May 11, 1898, ch. 292, sec. 2, *post*, sec. 840.

The rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals within and across forest reserves were granted to citizens and corporations of the United States for municipal or mining purposes, and for milling and reduction of ores, by Act February 1, 1905, ch. 288, sec. 4, *post*, sec. 843.

Use of right of way to the extent of 25 feet, together with use of necessary ground not exceeding 40 acres, upon forest reservations, by citizens or associations, for the purpose of generating, manufacturing or distributing electric power, were authorized by Act May 14, 1896, ch. 179, *post*, sec. 841.

Use of rights of way through forest reservations, by any citizen, association, or corporation of the United States, for water conduits, water plants, dams, and reservoirs used to promote irrigation, mining, quarrying, manufacturing or cutting of timber or lumber, or supplying water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such conduits, plants, dams, and reservoirs and not to exceed 50 feet on each side of the marginal limits thereof, was authorized by Act February 15, 1901, ch. 372, *post*, sec. 842.

Sec. 837. (Act March 3, 1891, ch. 561, sec. 19.) Map to be filed; approval; damages to settlers.

That any canal or ditch company desiring to secure the benefits of this act shall, within twelve months after the location of ten miles of its canal, if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its canal or ditch and reservoir; and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office, and thereafter all such lands over which such rights of way shall pass shall be disposed of subject to such right of way. Whenever any person or corporation, in the construction of any canal, ditch, or reservoir, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage. (26 Stat. 1102.)

See notes to preceding section.

Sec. 838. (Act March 3, 1891, ch. 561, sec. 20.) Application of act to existing or future canals, ditches, or reservoirs; forfeiture of rights granted upon noncompletion within five years after location.

That the provisions of this act shall apply to all canals, ditches, or reservoirs, heretofore or hereafter constructed, whether constructed by corporations, individuals, or association of individuals, on the filing of the certificates and maps herein provided for. If such ditch, canal, or reservoir, has been or shall be constructed by an individual or association of individuals, it shall be sufficient for such individual or association of individuals to file with the Secretary of the Interior, and with the register of the land office where said land is located, a map of the line of such canal, ditch, or reservoir, as in case of a corporation, with the name of the individual owner or owners thereof, together with the articles of association, if any there be. Plats heretofore filed shall have the benefits of this act from the date of their finding, as though filed under it: *Provided*, That if any section of said canal, or ditch, shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any uncompleted section of said canal, ditch, or reservoir, to the extent that the same is not completed at the date of the forfeiture. (26 Stat. 1102.)

See notes to section 18 of this act, *ante*, sec. 836.

Sec. 839. (Act March 3, 1891, ch. 561, sec. 21.) Use of right of way for canal or ditch only.

That nothing in this act shall authorize such canal or ditch company to occupy such right of way except for the purpose of said canal or ditch, and then only so far as may be necessary for the construction, maintenance, and care of said canal or ditch. (26 Stat. 1102.)

See notes to section 18 of this act, *ante*, sec. 836.

Sec. 840. (Act May 11, 1898, ch. 292, sec. 2, as amended by Act March 4, 1917, ch. 184, sec. 2.) Rights of way for purposes of water transportation, domestic purposes, or development of power.

That rights of way for ditches, canals, or reservoirs heretofore or hereafter approved under the provisions of sections eighteen, nineteen, twenty, and twenty-one of the Act entitled 'An Act to repeal timber-culture laws, and for other purposes,' approved March third, eighteen hundred and ninety-one, may be used for purposes of a public nature; and said rights of way may be used for purposes of water transportation, for domestic purposes, or for the development of power, as subsidiary to the main purpose of irrigation or drainage. (30 Stat. 404; 39 Stat. 1197.)

This was a section of an act entitled "An act to amend an act to permit the use of the right of way through public lands for tramroads, canals and reservoirs, and for other purposes," cited above, as amended by the Act March 4, 1917, ch. 184, sec. 2, also cited above. The amendment of the section consisted in the insertion at the end thereof of the words "or drainage."

Act March 3, 1891, ch. 561, secs. 18-21, mentioned in this section, are set forth *ante*, secs. 836-839.

Sec. 841. (Act January 21, 1895, ch. 37, sec. 2, as amended by Act May 14, 1896, ch. 179.) Right of way to electric-power companies.

That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of right of way to the extent of twenty-five feet, together with the use of necessary ground, not exceeding forty acres, upon the public lands and forest reservations of the United States, by any citizen or association of citizens of the United States, for the purposes of generating, manufacturing, or distributing electric power. (28 Stat. 635; 29 Stat. 120.)

This was a section of an act entitled "An act to permit the use of the right of way through public lands for tramroads, canals, and reservoirs, and for other purposes," cited above, as amended by Act May 14, 1896, ch. 179, sec. 2, also cited above.

Easements for rights of way over national forests for poles and lines for transmission of electrical power, for municipal or mining purposes, were authorized by Act March 4, 1911, ch. 238, *post*, sec. 844.

Right of way through the public lands and reservations of the United States, granted to qualified canal or ditch companies or drainage districts formed for the purpose of irrigation or drainage, by Act March 3, 1891, ch. 561, secs. 18-21, *ante*, secs. 836-839; and such right of way may be used for public purposes and for purposes of water transportation, for domestic purposes, or for development of power, by Act May 11, 1898, ch. 292, sec. 2, *ante*, sec. 840.

Sec. 842. (Act February 15, 1901, ch. 372.) Rights of way through public lands, forest reservations, etc., for electrical plants, etc., for telephone and telegraph purposes, and for canals, etc., and for water plants.

That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit

the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States, and amendments thereto, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this Act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park. (31 Stat. 790.)

This was an act entitled "An act relating to rights of way through certain parks, reservations, and other public lands," cited above.

R. S. Secs. 5263-5269, comprised in Title LXV. of the Revised Statutes, herein referred to, are set forth, *post*, secs. 845-851.

Further provisions authorizing the granting of easements for rights of way, for a period not exceeding 50 years, over, across, and upon national forests, for electric poles and lines for transmission and distribution of electrical power and for telephone and telegraph purposes, to citizens, associations, or corporations of the United States were made by Act March 4, 1911, ch. 238, *post*, sec. 844.

Use of right of way and of necessary ground, upon the forest reservations by citizens or associations, for the purpose of generating, manufacturing, or distributing electric power, was authorized by Act May 14, 1896, ch. 179, *ante*, sec. 841.

Right of way through the public lands and reservations of the United States, was granted to qualified canal or ditch companies or drainage districts, formed for the purposes of irrigation or drainage, by Act March 3, 1891, ch. 561, secs. 18-21, *ante*, secs. 836-839; and the use of such rights of way was extended to purposes of a public nature and to purposes of water transportation, domestic purposes, and development of power, by Act May 11, 1898, ch. 292, sec. 2, *ante*, sec. 840.

Rights of way for construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across forest reserves, were granted to citizens and corporations for municipal or mining purposes and for milling and reduction of ores, by Act February 1, 1905, ch. 288, sec. 4, *post*, sec. 843.

Sec. 843. (Act February 1, 1905, ch. 288, sec. 4.) Rights of way within and across forest reserves for dams, reservoirs, water plants, ditches, etc., for municipal and mining purposes and for milling and reduction of ores.

That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated. (33 Stat. 628.)

This was a section of an act entitled "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," cited above.

The other sections of this act are set forth as follows: Section 1, *ante*, sec. 79; section 2, *ante*, sec. 557; section 3, *ante*, sec. 578; section 5, *ante*, sec. 564.

Use of rights of way through forest reservations for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or manufacturing or cutting of timber, or supplying water for domestic, public, or other beneficial uses, by citizens or corporations of the United States, was authorized by Act February 15, 1901, ch. 372, *ante*, sec. 842.

Right of way through the public lands and reservations of the United States was granted to qualified canal or ditch companies or drainage districts formed for the purpose of drainage, by Act March 3, 1891, ch. 561, secs. 18-21, *ante*, secs. 836-839; and such right of way may be used for public purposes and for water transportation, for domestic purposes, or for development of power, by Act May 11, 1898, ch. 292, sec. 2, *ante*, sec. 840.

Use of right of way and necessary ground, upon forest reservations, by citizens or associations of citizens of the United States, for the purpose of generating, manufacturing, or distributing electric power, was authorized by Act May 14, 1896, ch. 179, *ante*, sec. 841.

Sec. 844. (Act March 4, 1911, ch. 238.) Rights of way through public lands, national forests, and reservations for electrical poles and lines and telephone and telegraph poles and lines; approval of chief officer of department; forfeiture for nonuser; rights of holders of previous permits.

That the head of the department having jurisdiction over the lands be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of twenty feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control

such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this Act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute. (36 Stat. 1253.)

These were provisions of the agricultural appropriation act for the fiscal year 1912, cited above.

Previous provisions authorizing rights of way through the forest reservations for electrical plants, poles and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, were authorized by Act February 15, 1901, ch. 372, *ante*, sec. 842.

Use, right of way, and ground upon forest reservations, by citizens or associations of citizens of the United States, for generating, manufacturing, or distributing electric power, was authorized by act May 14, 1896, ch. 179, *ante*, sec. 841.

Qualified telegraph companies have the right to construct, maintain, and operate telegraph lines through any portion of the public domain, by R. S. sec. 5263, *post*, sec. 845.

Sec. 845. (R. S. sec. 5263.) Use of public domain by telegraph companies.

Any telegraph company now organized, or which may hereafter be organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads.

Act July 24, 1866, ch. 230, sec. 1, 14 Stat. 221.

Sec. 846. (R. S. sec. 5264.) Use by telegraph companies of stone, timber, etc., from public lands.

Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other.

Act July 24, 1866, ch. 230, sec. 1, 14 Stat. 221.

Sec. 847. (R. S. sec. 5265.) Rights and privileges granted to telegraph companies not transferable.

The rights and privileges granted under the provisions of the act of July twenty-four, eighteen hundred and sixty-six, entitled "An

act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, shall not be transferred by any company acting thereunder to any other corporation, association, or person.

Act July 24, 1866, ch. 230, sec. 3, 14 Stat. 221.

The provisions of Act July 24, ch. 230, mentioned in this section and cited above, are incorporated into this section, the two sections next preceding, and the three sections next following.

Sec. 848. (R. S. sec. 5266.) Government to have priority in transmission of messages over telegraph lines on public domain.

Telegrams between the several Departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster-General shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section.

Act July 24, 1866, ch. 230, sec. 2, 14 Stat. 221. Act June 8, 1872, ch. 335, sec. 17, 17 Stat. 287. Act. June 10, 1872, ch. 415, sec. 1, 17 Stat. 366, 367.

Sec. 849. (R. S. sec. 5267.) Government entitled to purchase lines.

The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of the act of July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

Act July 24, 1866, ch. 230, sec. 3, 14 Stat. 221. Act June 23, 1874, ch. 461, 18 Stat. 250.

See note to R. S. sec. 5265, *ante*, see 847.

Sec. 850. (R. S. sec. 5268.) Acceptance of obligation to be filed.

Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by law.

Act July 24, 1866, ch. 230, sec. 4, 14 Stat. 222.

Sec. 851. (R. S. sec. 5269, as amended by Act February 27, 1877, ch. 69, sec. 1.) Penalty for refusal to transmit Government telegraphic communications.

Whenever any telegraph company, after having filed its written acceptance with the Postmaster-General of the restrictions and obligations required by the act approved July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or by this Title, shall, by its agents or employés, refuse or neglect to transmit any such tele-

graphic communications as are provided for by the aforesaid act, or by this Title, or by the provisions of section two hundred and twenty-one, Title "THE DEPARTMENT OF WAR," authorizing the Secretary of War to provide for taking meteorological observations at the military stations and other points of the interior of the continent, and for giving notice on the northern lakes and sea-board of the approach and force of storms, such telegraph company shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars for each such refusal or neglect. To be recovered by an action or actions at law in any district court of the United States. (19 Stat. 252.)

Act June 10, 1872, ch. 415, sec. 1, 17 Stat. 367. Act February 27, 1877, ch. 69, sec. 1, 19 Stat. 252.

The words at the end of the section, "To be recovered by an action or actions at law in any district court of the United States," were added by amendment by Act February 27, 1877, ch. 69, sec. 1, cited above.

See note to R. S. sec. 5265, *ante*, sec. 847.

Sec. 852. (Act May 1, 1906, ch. 2076, sec. 1.) Permit granted to Edison Electric Company to occupy lands within the San Bernardino, Sierra, and San Gabriel Forest Reserves for water-power plants.

That upon the conditions herein named the Edison Electric Company, a corporation existing under the laws of the State of Wyoming, and engaged in generating and distributing electric energy for use by municipalities and the public generally for lighting and power purposes, is hereby granted a permit, the duration of which shall be fixed by the Secretary of the Interior immediately after the passage of this Act, revocable during the term fixed by said Secretary only in the manner and for the causes hereinafter specified, to occupy and use lands, to be designated in the manner hereinafter specified, within the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California, for canals, conduit lines, pole lines, power houses, diverting dams, necessary grounds to be submerged above the diverting dams, and necessary buildings and structures for the water-power plants hereinafter described, for the generation, transmission, and distribution of electrical power, namely:

(a) For the diversion of the waters of Mill Creek from a point on Mill Creek in the southeast quarter of the northeast quarter section eight, township one south, range one west, San Bernardino base and meridian, and the conveyance of said waters thence westwardly and southwestwardly through said section eight and through sections seven and eighteen, township one south, range one west, San Bernardino base and meridian, and thence westwardly through section thirteen, township one south, range two west, San Bernardino base and meridian, to a power house situated on Mill Creek, in the southwest quarter of the northeast quarter of said section thirteen, in the San Bernardino Forest Reserve.

(b) For the diversion of the waters of Mill Creek from a point on Mill Creek in the northwest quarter of the northeast quarter of section thirteen, township one south, range one west, San Bernardino base and meridian; thence westwardly through said section thirteen and through sections fourteen, fifteen, sixteen, seventeen, and eighteen, township one south, range one west, San Bernardino base and meridian, and westwardly through section thirteen, township one south, range two west, San Bernardino base and meridian, to a

power house on Mill Creek, in the southwest quarter of the northeast quarter of said section thirteen, in the San Bernardino Forest Reserve.

(c) For the diversion of the waters of the Santa Ana River from a point on Santa Ana River in the southwest quarter of the northwest quarter of section twenty, township one north, range one west, San Bernardino base and meridian; thence southwestwardly through said section twenty and through section nineteen, township one north, range one west, San Bernardino base and meridian, and sections twenty-four, twenty-three, and twenty-six, township one north, range two west, San Bernardino base and meridian, to a power house situated on Santa Ana River, in the northwest quarter of the northeast quarter of said section twenty-six, in the San Bernardino Forest Reserve.

(d) For the diversion of the waters of the Santa Ana River from a point on Santa Ana River in the northwest quarter of the northeast quarter of section twenty-six, township one north, range two west, San Bernardino base and meridian; thence westwardly, southwardly, and southwestwardly through said section twenty-six and through section thirty-five, township one north, range two west, San Bernardino base and meridian, and section thirty-four, township one north, range two west, San Bernardino base and meridian, to a power house situated on Santa Ana River, in the southwest quarter of the northeast quarter of said section thirty-four, in the San Bernardino Forest Reserve.

(e) For the diversion of the waters of Lytle Creek from a point on Lytle Creek in the southwest quarter of the northwest quarter of section twenty-six, township two north, range six west, San Bernardino base and meridian, in the San Gabriel Forest Reserve; thence northeastwardly, eastwardly, and southeastwardly through said section twenty-six and through sections twenty-five and thirty-six, township two north, range six west, San Bernardino base and meridian, to the eastern boundary of said section thirty-six and the western boundary of the San Bernardino Forest Reserve; thence southwardly through section thirty-one, township two north, range five west, San Bernardino base and meridian, in the San Bernardino Forest Reserve, and southeastwardly through section six, township one north, range five west, San Bernardino base and meridian, to a power house in the northeast quarter of the northwest quarter of said section six, in the San Bernardino Forest Reserve.

(f) For the diversion of the waters of Kern River from a point on Kern River, in the southwest quarter of the northwest quarter of section five, township twenty-eight south, range thirty-one east, Mount Diablo base and meridian; thence southwardly and southwestwardly through said section five and sections six and seven, township twenty-eight south, range thirty-one east, Mount Diablo base and meridian, and sections twelve, thirteen, twenty-four, and twenty-six, township twenty-eight south, range thirty east, Mount Diablo base and meridian, and westwardly, northwestwardly and southwestwardly through sections twenty-six, twenty-seven, twenty-two and twenty-eight, township twenty-eight south, range thirty east, and westwardly and northwestwardly through sections twenty-nine and thirty, township twenty-eight south, range thirty west,

Mount Diablo base and meridian, to a power house in the northeast quarter of the southeast quarter of said section thirty, in the Sierra Forest Reserve.

(g) For the diversion of the waters of Kern River from a point on Kern River in the northwest quarter of the northeast quarter of section fifteen, township twenty-seven south, range thirty-two east, Mount Diablo base and meridian; thence southwardly and southwestwardly through said section fifteen and sections sixteen, seventeen, twenty, nineteen, and thirty, township twenty-seven south, range thirty-two east, and westwardly through section twenty-five, township twenty-seven south, range thirty-one east, Mount Diablo base and meridian, and southwestwardly through sections twenty-six, thirty-five, and thirty-four, township twenty-seven south, range thirty-one east, and westwardly and southwestwardly through section thirty-three, township twenty-seven south, range thirty-one east, and sections four and five, township twenty-eight south, range thirty-one east, Mount Diablo base and meridian, to a power house in the northwest quarter of the southwest quarter of said section five, in the Sierra Forest Reserve.

(h) For the diversion of the waters of Kern River from a point on Kern River in the southeast quarter of the southwest quarter of section twelve, township twenty-three south, range thirty-two east, Mount Diablo base and meridian; thence southwardly and southeastwardly through said section twelve and sections thirteen, twenty-four, and twenty-five, township twenty-three south, range thirty-two east, Mount Diablo base and meridian, and southeastwardly through sections thirty, thirty-one, and thirty-two, township twenty-three south, range thirty-three east, Mount Diablo base and meridian, and southeastwardly, southwestwardly, and southwardly through sections five, eight, nine, sixteen, and seventeen, township twenty-four south, range thirty-three east, Mount Diablo base and meridian, and southwestwardly and southeastwardly through sections twenty, twenty-nine, thirty-two, and thirty-three, township twenty-four south, range thirty-three east, and southeastwardly and southwestwardly through sections three, ten, and nine, township twenty-five south, range thirty-three east, Mount Diablo base and meridian, to a power house in the northeast quarter of the northeast quarter of said section nine, in the Sierra Forest Reserve.

(i) For the diversion of the waters of Kern River from a point on Kern River in the southeast quarter of the northwest quarter of section five, township twenty-one south, range thirty-three east, Mount Diablo base and meridian; thence southwestwardly and southwardly through said section five and sections six, seven, eighteen, nineteen, thirty, and thirty-one, township twenty-one south, range thirty-three east, Mount Diablo base and meridian, and southwardly, southeastwardly, and southwestwardly through sections six, seven, and eighteen, township twenty-two south, range thirty-three east, Mount Diablo base and meridian, and southwestwardly through sections twenty-four, twenty-five, and thirty-six, township twenty-two south, range thirty-two east, Mount Diablo base and meridian, to the southeast quarter of the southwest quarter of said section thirty-six, township twenty-two south, range thirty-two east, Mount Diablo base and meridian; also southeastwardly through section twenty-five,

township twenty-two south, range thirty-two east, Mount Diablo base and meridian, and southeastwardly and southwestwardly through sections thirty and thirty-one, township twenty-two south, range thirty-three east, Mount Diablo base and meridian, and southwestwardly through sections six and seven, township twenty-three south, range thirty-three east, Mount Diablo base and meridian, and westwardly through section twelve, township twenty-three south, range thirty-two east, Mount Diablo base and meridian, to a power house on the northwest quarter of the southeast quarter of said section twelve, in the Sierra Forest Reserve.

Permits for the construction of each of the foregoing power plants having been heretofore granted by the Interior or Agricultural Departments. (34 Stat. 163.)

This section and the nine sections next following were an act entitled "An act granting the Edison Electric Company a permit to occupy certain lands for electric-power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California," cited above.

Sec. 853. (Act May 1, 1906, ch. 2076, sec. 2.) Areas covered by permit granted.

That the ground covered by the permit hereby granted shall include fifty feet on each side of the center of said canals or conduit lines and on each side of said pole lines, or so much thereof as may be actually necessary for their installation, maintenance, and use, and the ground actually occupied by and necessary for power houses, diverting dams, and necessary buildings and structures to be used in connection with the operation and maintenance of said water-power plants, together with fifty feet on each side of the marginal limits of all of such buildings and structures, or such portion of said fifty feet as may be actually necessary for the efficient operation and maintenance of said power plants, dams, and other structures; also the right to submerge and flood at the intake of each of said power plants within said forest reserves, not to exceed thirty acres in each case, such area only as may be actually necessary to divert the water into the several canal or conduit lines for said several power plants. (34 Stat. 166.)

Sec. 854. (Act May 1, 1906, ch. 2076, sec. 3.) Maps to be filed.

That within six month after the passage of this Act the Edison Electric Company shall file with the register of the United States land office for the district where said power plants are located, and with the Forester of the Department of Agriculture, a map and such copies thereof as the Secretary of the Interior may prescribe, showing separately as to each power plant the ground occupied or proposed to be occupied by such canals or conduit lines, pole lines, power houses, and other buildings and structures used in connection with said electrical power plants. These maps shall show the dimensions of each building and structure and each diverting dam, and the areas which it will be necessary to submerge at the point of intake of each power plant and, after the filing of said maps, all lands covered by this permit as shown on the maps, or to be occupied by such buildings and structures as shown, together with such portion of fifty feet on each side of the marginal limits thereof as may be actually necessary for the operation of the power plants, and such land as may be submerged by the construction and operation of said

power plants, shall, when disposed of by the Government, be disposed of subject to the rights hereby granted unless said rights shall have terminated or shall have been revoked as herein provided prior to such disposal. (34 Stat. 166.)

Sec. 855. (Act May 1, 1906, ch. 2076, sec. 4.) Permittee to conform to forest reserve regulations; limitation on use of timber.

That said company shall conform to all regulations adopted or prescribed by the Secretary of Agriculture or the Secretary of the Interior governing said forest reserves, or the use or the users thereof, and shall not take, cut, or destroy any timber within the forest reserves except such as it may be actually necessary to remove to construct its power plants and the structures pertaining thereto, and it shall be required to pay to the proper officer of the Forest Service the full value of all timber and wood cut, used, or destroyed by it within the forest reserves. (34 Stat. 166.)

Sec. 856. (Act May 1, 1906, ch. 2076, sec. 5.) Privileges granted not to interfere with control of water.

That the privileges herein granted shall not be construed to interfere with the control of water for irrigation and other purposes under laws of the United States or of the State of California. (34 Stat. 166.)

Sec. 857. (Act May 1, 1906, ch. 2076, sec. 6.) Private rights, etc., protected.

That no private right, title, or interest owned by any person, persons, or corporation in such forest reserves shall be interfered with or abridged, except with the consent of the owner or owners, or by due process of law and just compensation to said owner or owners. (34 Stat. 166.)

Sec. 858. (Act May 1, 1906, ch. 2076, sec. 7.) Revocation of permit granted as to specified power plants if not completed and put in operation within the specified periods.

That if the said permittee shall fail to consummate and put in operation the said power plant specified in subdivision (f) of section one hereof within two years from the date of the passage of this Act, or the power plant specified in subdivisions (g), (h), and (i) of section one hereof within five years from the passage of this Act; then as to each of said power plants not completed and put in operation within the time herein limited this permit shall be deemed to be revoked without judicial or other proceeding; and a failure during any year after completion to operate any power plant provided for in this Act for a total time of ninety days in such year shall operate as a like revocation of this permit as to such plant or plants. (34 Stat. 166.)

Section 1 of this act, mentioned in this section, is set forth, *ante*, sec. 852.

Sec. 859. (Act May 1, 1906, ch. 2076, sec. 8.) Permit granted subject to forest reserve laws, rules, and regulations; penalties and damages for infractions or breaches; vacation of permit for continued infractions or failure to pay penalties; permit not affected by transfer of Departmental jurisdiction.

That the enjoyment of the permit hereby granted shall be subject at all times to all laws relating to the forest reserves, and to all

rules and regulations authorized and established thereunder, and that for infraction of such laws, rules, or regulations the owner or user of said permit shall be subject to all fines and penalties imposed thereby, and shall also be liable in a civil action for all damages that may accrue from such breach, and that for any continued infraction of such laws, rules, or regulations, or failure to pay any amount due the Forest Service from said company within sixty days of notice thereof, the Secretary of the Department of the Interior may, upon request of the Secretary of Agriculture, after due notice and hearing, revoke and vacate this permit: *Provided*, That the transfer of any lands from the jurisdiction of one department to that of another shall in no wise affect this permit, but the power hereby vested in the Secretary shall, upon such transfer, be deemed to be transferred with the land. (34 Stat. 167.)

Sec. 860. (Act May 1, 1906, ch. 2076, sec. 9.) Annual payment of compensation for privileges granted and for wood or timber; Departmental officers, employees, etc., to have free and unrestricted access to lands, etc.; permit granted not to interfere with construction of roads, trails, etc.; permittee to assist in fighting forest fires, etc.

That the said company shall pay annually in advance to the proper officer of the Forest Service, as compensation for the privileges hereby granted, such reasonable sum as the Secretary of Agriculture may fix from year to year, and shall pay for wood or timber cut, removed, or destroyed as fast as the value thereof may be ascertained and charged by the Forester: *Provided*, That the Secretary of Agriculture, his agents and employees, and all officers of the Forest Service, shall have free and unrestricted access in, through, and across all lands and structures covered by said permit in the performance of their official duties, and the Secretary in charge of forest reserves may construct or permit to be constructed in, through, or across any land covered by said permit roads or trails, public or otherwise, or other means of transportation, not inconsistent with the enjoyment of the permit hereby granted: *Provided further*, That the Edison Electric Company shall, under penalty of immediate forfeiture of the permit hereby granted, when requested to do so, assist the forest officers in fighting fire, and shall furnish any men under its employ necessary for that purpose, and shall otherwise assist to the extent of its power in protecting the forest reserves and maintaining good order upon them. (34 Stat. 167.)

Sec. 861. (Act May 1, 1906, ch. 2076, sec. 10.) Power reserved to amend, modify, or repeal act.

That Congress shall have power at any time to amend, modify, or repeal this Act. (34 Stat. 167.)

Sec. 862. (Act June 6, 1900, ch. 794, sec. 1.) Right of way through lands in San Francisco Forest Reserve granted to Flagstaff, Ariz., for a pipe line; use of material.

That a right of way for a pipe line through sections twenty-six, thirty-six, township twenty-three north; sections two, twelve, fourteen, twenty-two, and twenty-eight, township twenty-two north, and sections four and sixteen, township twenty-one north, all in range seven east, Gila and Salt River meridian, in the San Francisco Forest Reserve, in the county of Coconino and Territory of Arizona, is

hereby granted to the town of Flagstaff, a municipal corporation in said county and Territory, to the extent of the ground occupied by said pipe line and twenty-five feet on each side of the center line of the same.

Also the right to take from the lands adjacent to the lands hereby granted material, earth, stone, and timber necessary for the construction, maintenance, repair, and control of said pipe line. (31 Stat. 657.)

This section and the section next following were part of an act entitled "An act to grant right of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Arizona," cited above.

Sec. 3 of this act provided that it should take effect and be in force from and after its passage.

Sec. 863. (Act June 6, 1900, ch. 794, sec. 2.) Pipe line to be controlled exclusively for use of Flagstaff, Ariz.

That said pipe line when constructed shall be maintained and controlled exclusively for the use and benefit of the said town of Flagstaff by the municipal authorities thereof, and for the purpose only of conveying water through said pipe line to said town for its exclusive use and benefit. (31 Stat. 657.)

Sec. 864. (Act June 30, 1906, ch. 3926, sec. 1, as amended by Act June 5, 1920, ch. 246, sec. 1.) Rights of way through and lands in Inyo, Santa Barbara, Angeles, and Sequoia National Forests granted to Los Angeles, Calif., for canals, ditches, etc., for water-power plant; certain lands excepted.

That there is hereby granted to the city of Los Angeles, California, a municipal corporation of the State of California, all necessary rights of way, not to exceed two hundred and fifty feet in width, over and through the public lands of the United States in the counties of Mono, Inyo, Kern, and Los Angeles, State of California, and over and through the Inyo and Santa Barbara National Forests, and that portion of the Angeles National Forest situate and lying west of range six west, San Bernardino meridian, as established by the United States public land survey, and that portion of the Sequoia National Forest east of the crest of the Sierra Nevada Mountains, in said State, for the purpose of constructing, operating, and maintaining such canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles as have been heretofore constructed, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water power and electric plants whenever said city shall have filed as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth: *Provided, however,* That the grant hereby made shall not apply to lands located in the drainage basin of Kern River or in that portion of Mono County lying north and west of the Owens River drainage basin, and embracing Mono Lake drainage basin and Adobe Valley and Black Lake drainage basin, or to lands

located upon Bishop Creek or its branches in Inyo County, or to lands in the Fish Slough Reservoir site in the counties of Inyo and Mono, in said State, or to any lands which may be found to have been illegally purchased from the United States by said city, or to any lands the title to which was on the 31st day of October, 1919, or is now forfeitable to the United States by force of any Act of Congress. (34 Stat. 801; 41 Stat. 983.)

This section and the six sections next following were part of an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, California, certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the City of Los Angeles, California," first cited above, as amended by Act June 5, 1920, ch. 246, also cited above.

This section as originally enacted by said Act June 30, 1906, ch. 3926, read as follows:

"That there is hereby granted to the city of Los Angeles, California, a municipal corporation of the State of California, all necessary rights of way, not to exceed two hundred and fifty feet in width, over and through the public lands of the United States in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara forest reserves and the San Gabriel Timber Land Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, whenever said city shall have filed, as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth."

Sections 4, 6, and 7 of said Act June 30, 1906, ch. 3926, were not changed by said amendatory Act June 5, 1920, ch. 246. Section 8 was added to said Act June 30, 1906, ch. 3926, by said amendatory act.

Sec. 865. (Act June 30, 1906, ch. 3926, sec. 2, as amended by Act June 5, 1920, ch. 246, sec. 2.) Maps to be filed.

That on or before the 31st day of December, 1922, the city of Los Angeles shall file with the register of the United States land offices in the districts where the lands traversed by said rights of way are located a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act, and there shall also be filed within that time all desired changes of location, the amended map or maps necessary to show such changes of location to be filed in the same manner and subject to the same approval as are the original map or maps of location, but no construction work shall be commenced on any of said lands until the map or maps have been filed as herein provided and until said map or maps and the proposed plan of development have been approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of any amended map or maps showing changes of location of said rights of way shall operate as an abandonment ipso facto by the city of Los Angeles, to the extent of such

change or changes, of the rights of way indicated on the original map or maps: *Provided*, That any rights inuring to the city of Los Angeles under this Act shall, on approval by the Secretary of the Interior of the map or maps and the plan of development referred to, relate back to the date of the filing of said map or maps with the register of the United States land office, as provided herein: *Provided*, That during the period allowed the city of Los Angeles, for filing maps or applications under this Act, the head of the department having jurisdiction over the lands, may grant easements or permits for rights of way, under any Act of Congress now in force or hereafter enacted, for pipes, pipe lines, canals, ditches, flumes, tunnels, or reservoirs for the conveyance, delivery, or storage of water for irrigation, mining, or domestic purposes, or for the generation of electric power, including rights of way for the construction of power plants, towers, transmission and distribution lines, for the generation and delivery of electricity, if after affording the city an opportunity to be heard, such head of department shall find that the easement or permit may be granted without destruction of or material interference with the works constructed or proposed to be constructed by the city and for which application is filed by said city within ninety days of notice of the possibly conflicting application: *Provided further*, That all rights of way herein and hereby granted and all other rights of way hereafter granted under general laws, for the purposes herein enumerated, over lands within the operation of this Act, shall be with the reservation of the power to thereafter grant other rights of way by easement or permit, conflicting with such prior grants or permits for the purpose of permitting crossing of rights of way, including rights of way for roads, or for limited distances necessary common use of prior rights of way, under such conditions as the head of the department shall find necessary and shall determine to be properly protective against interference with and not detrimental to the construction, operation, and maintenance of the works of prior grantees or permittees. (34 Stat. 801; 41 Stat. 984.)

See notes to preceding section.

This section as originally enacted by Act June 30, 1906, ch. 3926, read as follows:

"That within one year after the passage of this Act the city of Los Angeles shall file with the registers of the United States Land offices in the districts where the lands traversed by said rights of way are located, a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section one of this Act; but no construction work shall be commenced on said land until said map or maps have been filed as herein provided and approved by the Secretary of the Interior: *Provided, however*, That any changes of location of said rights of way be made by said city of Los Angeles, within two years after the filing of said map or maps, by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; and the approval of the Secretary of the Interior of said map or maps showing changes of location of said rights of way shall operate as an abandonment by the city of Los Angeles to the extent of such change or changes, of the rights of way indicated on the original maps: *And provided further*, That any rights inuring to the city of Los Angeles under this Act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States land office as provided herein."

Sec. 866. (Act June 30, 1906, ch. 3926, sec. 3, as amended by Act June 5, 1920, ch. 246, sec 3.) Prior claims, rights, etc., not impaired.

That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however,* That this Act shall not apply to any lands embraced in rights of way heretofore approved under any Act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant: *Provided,* That the lands affected hereby shall in accordance with existing law continue to be subject to applications for homesteads, for rights of way for canals, ditches, or reservoirs, for the conveyance, delivery, or storage of water for irrigation, if same be filed in the proper United States land office prior to the filing of maps by the city of Los Angeles, showing the boundaries, location, and extent of the rights of way sought by said city, and the consideration and adjudication of such applications by the department having jurisdiction thereof shall be wholly upon the merits of such applications, unaffected by any possible conflict with the plans of said city: *And provided further,* That the grant hereby made shall not apply to any lands or rights of way included in any application filed by, and thereafter approved to, any person or corporation for the development and transmission of hydroelectric power in connection with any project upon which actual construction work was being performed prior to June 30, 1906, on that portion of Owens River lying above the confluence of Rock Creek and said river, and locally known as Owens River Gorge, and upon which portion construction work may have been carried on continuously since that date: *Provided,* That such applications for rights of way over or the right to use lands shall be filed within six months from the date of the passage of this Act: *And provided further,* That any approval of rights of way for reservoir purposes for the storage of water for use in whole or in part for the generation of electric power, under the provisions of this Act, shall contain the express condition that such reservoirs shall not, without the consent of the parties having irrigation rights which would be affected by such storage, be used in such manner as will interfere with the use of such stored water for irrigation purposes, unless provision shall be made by said city for secondary storage for such irrigation use. (34 Stat. 801; 41 Stat. 984.)

See notes to section 1 of this act, *ante*, sec. 864.

This section as originally enacted by Act June 30, 1906, ch. 3926, read as follows:

"That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured

proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entry men or claimants and caused proper evidence of such fact to be filed with the Secretary of Interior: *Provided, however*, That this Act shall not apply to any lands embraced in rights of way heretofore approved under any Act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant."

Sec. 867. (Act June 30, 1906, ch. 3926, sec. 4.) Grantee to conform to forest reserve regulations; limitation of use of timber; grantee to construct bridges and fences; removal of débris; free use of wagon roads by forest officers, etc.; free use to Forest Service of telephones, telegraphs, and electric railroads; administration of rights of way by Forest Service; adjustments in event of abandonment of Owens River project; act not applicable to certain lands in Inyo County, Calif.

That the city of Los Angeles shall conform to all regulations adopted and prescribed by the Secretary of Agriculture governing the forest reserves, and shall not take, cut, or destroy any timber within the forest reserves, except such as may be actually necessary to remove to construct its power plants and structures, poles and flumes, storage dams and reservoirs, and it shall pay to the Forest Service of the Department of Agriculture the full value of all timber and wood cut, used, or destroyed on any of the rights of way and lands within forest reserves hereby granted: *Provided further*, That the city shall construct and maintain in good repair bridges or other practicable crossings over its rights of way within the forest reserves when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works as required by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior, construct and maintain along each side of said right of way a lawful fence as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided further*, That the city of Los Angeles shall clear its rights of way within forest reserves of any débris or inflammable material as directed by the Forester of the United States Department of Agriculture: *Provided further*, That the said city shall allow any wagon road which it may construct within forest reserves to be freely used by forest officers and the officers of the Interior Department and by the public, and shall allow to the Forest Service of the United States Department of Agriculture and to the officers of the Interior Department, for official business only, the free use of any telephones, telegraphs, or electric railroads it may construct and maintain within the forest reserves or on the public lands, together with the right to connect with any such telephone lines private telephone wires for the exclusive use of said Forest Service or of the Interior Department: *And provided further*, That the Forest Service may, within forest reserves, protect, use, and administer said land and resources within said rights of way under forest-reserve laws and regulations, but in so doing must not interfere with the full enjoyments of the

right of way by the city of Los Angeles: *And provided further*, That in the event that the Secretary of the Interior shall abandon the project known as the Owens River project for the irrigation of lands in Inyo County, California, under the Act of June seventeenth, nineteen hundred and two, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said Act, the amount expended for preliminary surveys, examinations, and river measurements, not exceeding fourteen thousand dollars, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements, and the preference right to acquire at any time within three years from the approval of this Act any lands now reserved by the United States under the terms of said reclamation Act in connection with said project, necessary for storage or right of way purposes, upon filing with the register and receiver of the land office in the land district where any such lands sought to be acquired are situated a map showing the lands desired to be acquired, and upon the approval of said map or maps by the Secretary of the Interior and upon the payment of one dollar and twenty-five cents per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid, and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid: *Provided, however*, That the terms of this Act shall not apply to any lands upon Bishop Creek or its branches in said county of Inyo. (34 Stat. 802.)

See notes to section 1 of this act, *ante*, sec. 864.

Sec. 868. (Act June 30, 1906, ch. 3926, sec. 5, as amended by Act June 5, 1920, ch. 246, sec. 4.) Lands to be disposed of subject to easements of rights of way granted; forfeiture of all rights if waterworks not begun within five years or if power or electric works, etc., not completed within five years after approval of maps.

That all lands over which the rights of way mentioned in this Act shall pass shall be disposed of, subject to such easements: *Provided, however*, That if the construction of said waterworks shall not have been begun in good faith within five years of the date of the approval of this Act, then all rights hereunder shall be forfeited to the United States: *And provided further*, That if any power or electric works or structure to be used in connection therewith shall not be completed within five years after approval of the map or maps of rights of way for such works or structure as herein provided, or within such additional time as the Secretary of the Interior shall, in his discretion, grant, then such rights herein granted shall be forfeited as to any uncompleted portion of such works or structure, to the extent that the same is not completed at the date of the forfeiture. (34 Stat. 803, 41 Stat. 985.)

See notes to section 1 of this act, *ante*, sec. 864.

This section as originally enacted by Act June 30, 1906, ch. 3926, read as follows:

"That all lands over which the rights of way mentioned in this Act shall pass shall be disposed of subject to such easements: *Provided, however*, That if construction of said waterworks shall not have been begun in

good faith within five years from the date of approval of this Act, or if after such period of five years there shall be a cessation of such construction for a period of three consecutive years, then all rights hereunder shall be forfeited to the United States."

Sec. 869. (Act June 30, 1906, ch. 3926, sec. 6.) Selling or letting right to water, except to a municipality, prohibited.

That the city of Los Angeles is prohibited from ever selling or letting to any corporation or individual, except a municipality, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the city. (34 Stat. 803.)

See notes to section 1 of this act, *ante*, sec. 864.

Sec. 870. (Act June 30, 1906, ch. 3926, sec. 7.) Right reserved to amend, alter, or repeal act.

That the right to amend, alter, or repeal this Act at any time is hereby reserved. (34 Stat. 803.)

See notes to section 1 of this act, *ante*, sec. 864.

Sec. 871. (Act June 30, 1906, ch. 3926, sec. 8, as amended by Act June 5, 1920, ch. 246, sec. 5.) State laws relating to control, etc., of water for irrigation, municipal, etc., uses and vested rights not affected by act.

That this Act is a grant upon certain expressed conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intended to affect or in anywise to interfere with the laws of the State of California, relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretaries of the Interior and Agriculture, respectively, and the city of Los Angeles, in carrying out the provisions of this Act, shall proceed in conformity with the laws of said State. (41 Stat. 986.)

See notes to section 1 of this act, *ante*, sec. 864.

Sec. 872. (Act March 1, 1907, ch. 2288, sec. 1, as amended by Act May 8, 1916, ch. 112, sec. 1.) Lands within San Juan Forest Reserve granted to Durango, Colorado, for water supply.

That the following-described tract of land situate in suspended township thirty-eight north, range seven west, New Mexico principal meridian, in La Plata County, Colorado, within the San Juan Forest Reserve, to wit: A tract described by metes and bounds as per special survey approved by the Commissioner of the General Land Office on November first, nineteen hundred and nine: Beginning at corner numbered one, a cross at exact point on top of rock "D. R. G." on the northeast and "P. L." on the southwest face from which a basalt boulder fifty-four by thirty-six by thirty-three inches bears north thirty-nine degrees east forty-three links distant, marked "B. I. O."; a spruce nine inches in diameter bears north forty-five degrees ten minutes east eighty-eight and one-half links distant, marked "Cor. No. 1, D. R. G., B. T."; a spruce ten inches in diameter bears east eighty-eight links distant, marked "Cor. No. 1, D. R. G., B. T."; a spruce twelve inches in diameter bears south nineteen degrees forty-five minutes east eight[y]-four links distant, marked "Cor. No. 1, P. L., B. T."; a spruce ten inches in diameter bears north twenty degrees forty minutes west two hundred and forty-seven and one-half links distant, marked "Cor. No. 1, P. L., B. T."; thence north twenty

degrees seven minutes east seventy-four and twenty-four one-hundredths chains to station numbered two; thence north seventy-seven degrees two minutes east sixteen and six-one hundredths chains to station numbered three; thence north eight degrees twenty-four minutes east thirty-six and thirty-six one-hundredths chains to station numbered four, whence United States location monument Mount Valois bears north thirty-eight degrees twenty-three minutes east seventy-six and thirty-one one-hundredths chains; thence north seven degrees twenty-eight minutes west sixty-eight and eighty-three one-hundredths chains to station numbered five; thence north ten degrees twenty-three minutes east seventy-seven and nineteen one-hundredths chains to station numbered six, whence United States location monument Mount Bullion bears north sixty-two degrees sixteen minutes west thirty-five and sixty-two one-hundredths chains; thence north eighty-seven degrees thirty-one minutes east nineteen and fifty-two one-hundredths chains to station numbered seven, whence United States location monument Tempest bears south four degrees twenty-four minutes west seventy and sixty-nine one-hundredths chains; thence south thirty-eight degrees thirty-seven minutes east fifty-three and twelve one-hundredths chains to station numbered eight; thence south eighty-five degrees thirty-one minutes east twenty-four and forty-five one-hundredths chains to station numbered nine; thence south eleven degrees fifty minutes east fifty-eight and thirty-two one-hundredths chains to station numbered ten; thence south fifty-six degrees eighteen minutes east fifty-nine and thirty-two one-hundredths chains to station numbered eleven; thence south twenty-eight degrees forty-six minutes east seventy and forty-six one-hundredths chains to station numbered twelve, Sheep Mountain; thence south sixty-five degrees thirty-two minutes west one hundred and thirty-one and ninety-two one-hundredths chains to station numbered thirteen, United States location monument Mount Sheridan; thence south fifty-two degrees thirty-two minutes west fourteen and fifty-one one-hundredths chains to station numbered fourteen; thence north eighty-seven degrees seven minutes west ninety-two and fifty-three one-hundredths chains to station numbered one, point of beginning, containing three thousand and forty-nine and eighty-seven one-hundredths acres, more or less, situate in township thirty-eight north, range seven west, New Mexico meridian, including those four certain reservoirs claimed or occupied by said city of Durango, known as Reservoir Numbered One, or Upper Park Reservoir; Reservoir Numbered Two, or Santa Maria Lake; Reservoir Numbered Three, or Lake Lilly; and Reservoir Numbered Four, or Lakeside Lake, subject to any former grant or conveyance affecting said lands, be, and the same are hereby, granted and conveyed to the city of Durango, county of La Plata, and State of Colorado, to have and to hold said lands to its use and behoof forever for the purposes of water storage and supply of its waterworks and the protection of its water supply, and for such purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the said premises herein granted and conveyed in the construction of reservoirs, conduits, and flumes, and in the laying of pipes and mains, and in making such improvements as may be necessary to store, utilize, protect from pollution, and enjoy the waters contained in any

natural or constructed reservoirs, basins, or waterways upon said premises: *Provided*, That the city of Durango shall pay for said land the sum of \$1.25 per acre: *Provided further*, That the Forest Service of the United States Department of Agriculture shall have full power to patrol the said lands and to protect them from fire and trespass: *And provided further*, That the Forest Service may dispose of the timber upon the said lands, except so much thereof as may be growing within one hundred feet from the margin of any natural or constructed reservoir, or of the main creeks within the said boundary flowing into such reservoirs, under such additional rules for lumbering, to protect said waters from pollution, as shall be described by the Forester and approved by the mayor of the city of Durango: *And provided further*, That if said city shall fence all or any part of said lands it shall provide practicable gates in such fence at points to be designated by the supervisor of the San Juan Forest Reserve. (34 Stat. 1053; 39 Stat. 62.)

This section and the section next following were Act March 1, 1907, ch. 2288, entitled "An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs," cited above, as amended by Act May 8, 1916, ch. 112, also cited above.

Sec. 873. (Act March 1, 1907, ch. 2288, sec. 2, as amended by Act May 8, 1916, ch. 112, sec. 2.) Reversion for nonuser.

That if the said city of Durango shall at any time hereafter abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States. (34 Stat. 1054; 39 Stat. 64.)

Sec. 874. (Act March 2, 1907, ch. 2526.) Lands in Boulder county, Colo., granted to Boulder, Colorado, for water-supply; grant subject to existing legal rights.

That the following-described tracts of land, situate in the county of Boulder, Colorado, namely, all of the north half of the southeast quarter of section eighteen, all of lots six and ten of section eighteen, all of lot three of section eighteen, all of the northeast quarter of the southwest quarter of section eighteen, all of lot two of section eighteen, and all of the southeast quarter of the northwest quarter of section eighteen; all of the north half of the southeast quarter of section nineteen, all of the southeast quarter of the southeast quarter of section nineteen, all of lot three of section nineteen, and all of the northeast quarter of the southwest quarter of section nineteen; all of lot two of section twenty, all of the southwest quarter of the northwest quarter of section twenty and all of the northwest quarter of the southwest quarter of section twenty; all of the southwest quarter of the southeast quarter of section twenty-one; all of the southeast quarter of the southwest quarter of section twenty-one and all of the northwest quarter of the southwest quarter of section twenty-one; all of the northeast quarter of section twenty-eight, all of the southeast quarter of section twenty-eight, and all of the northeast quarter of the northwest quarter of section twenty-eight; all of the north half of the northwest quarter of section twenty-nine and all of the northwest quarter of the northeast quarter of section twenty-nine; all of the north half of the northeast quarter of section thirty and all of lot one of section thirty; all in township one north, range seventy-three west of the sixth principal meridian; also all

of the southeast quarter of section twenty-four and all of the north half of the northeast quarter of section twenty-five, in township one north, range seventy-four west of the sixth principal meridian; containing one thousand five hundred and fifty-seven and eighty-seven one-hundredths acres of land, more or less, be, and the same is hereby granted and conveyed to the city of Boulder in the county of Boulder and State of Colorado, upon the payment of one dollar and twenty-five cents per acre by said city to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises: *Provided, however,* That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States. (34 Stat. 1223.)

This was an act entitled "An act to grant certain lands to the city of Boulder, Colorado," cited above.

The lands specified in this act are within the limits of what is now known as Colorado National Forest.

Additional lands were granted to the city of Boulder, Colo., for the purposes mentioned in this act, by Act September 29, 1919, ch. 47, *post*, secs. 875, 876.

Sec. 875. (Act September 29, 1919, ch. 67, sec. 1.) Additional lands in Colorado National Forest granted to Boulder, Colo., for water supply.

That the city of Boulder, in the county of Boulder, Colorado, is hereby authorized, for a period of five years from and after the passage of this Act, to purchase, and the Secretary of the Interior is hereby directed to convey to said city for use in connection with the lands heretofore purchased by said city under the provisions of the Act of Congress entitled, "An Act to grant certain lands to the city of Boulder, Colorado," approved March 2, 1907 (Thirty-fourth Statutes, page 1223), for purposes of water storage and supply of its waterworks, the following described lands, to wit: The west half of section twenty-seven and the north half of the northwest quarter of section thirty-four, township one north, range seventy-three west, sixth principal meridian, containing four hundred acres within the Colorado National Forest, or any part of said lands. (41 Stat. 288.)

This section and the section next following were an act entitled "An act authorizing the city of Boulder, Colorado, to purchase certain public lands," cited above.

Act March 2, 1907, ch. 2526, mentioned herein, is set forth *ante*, sec. 874.

Sec. 876. (Act September 29, 1919, ch. 67, sec. 2.) Payment; prior rights not affected; mineral deposits reserved; reversion for nonuser.

That the said conveyance shall be made upon the payment by said city for the lands purchased at the rate of \$1.25 per acre: *Provided*, That the conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided further*, That there shall be reserved to the

United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as herein-before described; and if the said land shall not be used for such municipal purpose, the same, or such parts thereof not so used, shall revert to the United States; the conditions and reservations herein provided for shall be expressed in the patent. (41 Stat. 289.)

See note to preceding section.

Sec. 877. (Act July 20, 1912, ch. 245.) Right of way over lands within Wasatch National Forest granted to Salt Lake City, Utah, for reservoir purposes.

That the Secretary of the Interior be, and he is hereby, authorized to grant to Salt Lake City, Utah, under the provisions of section four of the Act of February first, nineteen hundred and five (Thirty-third Statutes, six hundred and twenty-eight), a right of way on and over section thirty-four, township two south, range three east, and sections two and three, township three south, range three east, in Big Cottonwood Canyon, within the Wasatch National Forest, Salt Lake City land district, Utah, which lands have heretofore been reserved for reservoir purposes under and by virtue of the Act of October second, eighteen hundred and eighty-eight (Twenty-fifth Statutes, five hundred and five.) (37 Stat. 197.)

This was an act entitled "An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes," cited above.

Section 4 of Act February 1, 1905, ch. 288, mentioned herein, is set forth, *ante*, sec. 843.

The provisions of Act October 2, 1888, ch. 1069, 25 Stat. 527, referred to in this act, reserved from sale, entry, etc., all lands designated or selected as sites for reservoirs, etc.

Sec. 878. (Act February 27, 1913, ch. 84, sec. 1.) Lands within Pike National Forest reserved from entry and set aside for water supply for Colorado Springs, Colorado.

That the public lands within the Pike National Forest, situated in the counties of El Paso and Teller, Colorado, hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the city of Colorado Springs, a municipal corporation of the State of Colorado, to wit:

Lot three, the southeast quarter of the southwest quarter and the south half of the southeast quarter of section seven; the southwest quarter of the southwest quarter of section eight; the northwest quarter of the northwest quarter, the south half of the southwest quarter, the west half of the southeast quarter, and the northeast quarter of the southeast quarter of section seventeen; lots two, three, and four, the northeast quarter, the east half of the northwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter of section eighteen; lots two, three, and four, the northeast quarter, the southeast quarter of the northwest quarter, the east half of the southwest quarter, and the west half of the southeast quarter of section nineteen; the northwest quarter of the north-

west quarter of section twenty; lots one, two, three, and four, the west half of the northeast quarter, the east half of the northwest quarter, and the east half of the southwest quarter of section thirty; lot one, the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter of section thirty-one, in township thirteen south, range sixty-eight west of the sixth principal meridian.

Lot six of section four; lots one, two, three, and four, the south half of the northeast quarter, and the northeast quarter of the southeast quarter of section nine; the south half of the northeast quarter, the south half of the northwest quarter, the southwest quarter, and the north half of the southeast quarter of section ten; the south half of the southeast quarter, and the northeast quarter of the southeast quarter of section fourteen; the north half of the northwest quarter, and the southeast quarter of the southeast quarter of section fifteen; lot two, the northeast quarter of the northeast quarter, the south half of the southeast quarter, and the northwest quarter of the southeast quarter of section twenty-two; the east half of the northeast quarter, the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, and the south half of section twenty-three; the north half of the north half, the southwest quarter of the northwest quarter, the southwest quarter, the west half of the southeast quarter, and the southeast quarter of the southeast quarter of section twenty-six; the north half of the northeast quarter, the southwest quarter of the northeast quarter, and the south half of section twenty-seven, in township fourteen south, range sixty-eight west of the sixth principal meridian.

The southeast quarter of the southwest quarter of section ten; the south half of the northeast quarter, the southwest quarter of the southwest quarter, the east half of the southwest quarter, and the southeast quarter of section thirteen; the northeast quarter of the southwest quarter, and the southeast quarter of the southeast quarter of section fourteen; the west half of the northeast quarter, and the north half of the southwest quarter of section fifteen; the west half of the northeast quarter, the west half of the southeast quarter, the southeast quarter of the southeast quarter, and the south half of the northeast quarter of the southeast quarter of section twenty-one; the northeast quarter, the east half of the northwest quarter, the east half of the southwest quarter, the southwest quarter of the southwest quarter, the south half of the northwest quarter of the southwest quarter, and the southeast quarter of section twenty-two; all of sections twenty-three and twenty-four; the northeast quarter, the east half of the northwest quarter, and the south half of section twenty-five; the west half of the northeast quarter, the northwest quarter, and the south half of section twenty-six; all of section twenty-seven; the north half of the northeast quarter, the west half and the south half of the southeast quarter of section thirty-five; the north half of the northeast quarter, and the west half of section thirty-six, in township thirteen south, range sixty-nine west of the sixth principal meridian.

The west half (or lots three and four, the south half of the northwest quarter, and the southwest quarter) of section one; and the north half of the northeast quarter (or lots one and two) of section

two, in township fourteen south, range sixty-nine west of the sixth principal meridian, containing ten thousand one hundred and thirty-one and twenty-three hundredths acres, more or less. (37 Stat. 684.)

This section and the five sections next following were an act entitled "An act for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colorado," cited above.

Sec. 879. (Act February 27, 1913, ch. 84, sec. 2.) Lands within Pike National Forest reserved and set aside for water supply for Manitou, Colorado.

That the public lands within the Pike National Forest, situated in the counties of El Paso and Teller, Colorado, hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the town of Manitou, a municipal corporation of the State of Colorado:

Lot four, the southeast quarter of the southwest quarter, and the south half of the southeast quarter of section thirty-one; the south half of the southwest quarter, the south half of the southeast quarter, and the northeast quarter of the southeast quarter of section thirty-two; the south half of the northeast quarter, the north half of the southwest quarter, and the east half of the southeast quarter of section thirty-three; all of section thirty-four; the west half of section thirty-five, in township thirteen south, range sixty-eight west of the sixth principal meridian.

Lots three and four, the south half of the northwest quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section two; all (including lots one, two, three, and four) of section three; lot five, the north half (including lots one, two, three, and four), and the east half of the southeast quarter of section four; lots one, two, three, four, five, six, and seven, the south half of the northeast quarter, the south half of the northwest quarter, and the north half of the southwest quarter of section five; lots one, two, three, four, five, six, seven, and eight, the south half of the northeast quarter, the southeast quarter of the northwest quarter, the east half of the southwest quarter, the southwest quarter of the southeast quarter, and the north half of the southeast quarter of section six; lots one, two, three, and four of section seven; the north half of the northeast quarter of section ten, in township fourteen south, range sixty-eight west of the sixth principal meridian.

The east half (or lots one and two, the south half of the northeast quarter, and the southeast quarter) of section one; and all that part of the northeast quarter of section twelve lying north of the north line of the Pikes Peak Military Reservation, in township fourteen south, range sixty-nine west of the sixth principal meridian, containing four thousand seven hundred and twelve acres, more or less. (37 Stat. 685.)

See note to preceding section.

Sec. 880. (Act February 27, 1913, ch. 84, sec. 3.) Administration of lands reserved.

That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Colorado Springs and the town of Manitou, said expense to be borne

and paid by said city of Colorado Springs and town of Manitou in proportion to the number of acres reserved for the respective use of each of said municipalities for the purpose of storing and conserving the water supply, protecting them from pollution, and preserving the timber on said lands to more fully accomplish such purposes, and to that end said city and town shall each have the right, subject to approval by the Secretary of Agriculture, to the use of any and all parts of the land reserved for them, respectively, for the storage and conveying of water, and the construction and maintenance thereon of reservoirs, pipes, mains, conduits, and other like improvements. (37 Stat. 686.)

See note to section 1 of this act, *ante*, sec. 878.

Sec. 881. (Act February 27, 1913, ch. 84, sec. 4.) Regulations for carrying out purpose of act; right to forbid trespass; violation of act or regulations punishable.

That in addition to the authority given the Secretary of Agriculture under the Act of June fourth, eighteen hundred and ninety-seven (Thirtieth Statutes, page thirty-five), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this Act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be punishable as is provided for in section fifty of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine (Thirty-fifth Statutes at Large, page one thousand and ninety-eight); as amended by the Act of Congress approved June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and fifty-seven). (37 Stat. 686.)

The provisions of Act June 4, 1897, ch. 2, sec. 1, referred to in this section, are set forth, *ante*, secs. 538-549.

Section 50 of Act March 4, 1909, ch. 321, as amended by Act June 25, 1910, ch. 431, sec. 6, mentioned in this section, is set forth, *ante*, sec. 613.

Sec. 882. (Act February 27, 1913, ch. 84, sec. 5.) Act subject to existing legal rights.

That this Act shall be subject to the legal rights of any municipality, person or persons in or to the above-described premises, or any part thereof, or the water thereof. (37 Stat. 687.)

Sec. 883. (Act February 27, 1913, ch. 84, sec. 6.) Right reserved to alter, amend or repeal act.

The right to alter, amend, or repeal this Act is hereby expressly reserved. (37 Stat. 687.)

Sec. 884. (Act December 19, 1913, ch. 4, sec. 1.) Rights of way in, over, and through Yosemite National Park and Stanislaus National Forest granted to city and county of San Francisco, California, for water supply; lands for reservoirs, etc., power houses, etc.; right to take stone, earth, etc.; maps to be filed; approval of locations in national forests.

That there is hereby granted to the city and county of San Francisco, a municipal corporation in the State of California, all necessary rights of way along such locations and of such widths, not to exceed two hundred and fifty feet, as in the judgment of the Secre-

tary of the Interior may be required for the purposes of this Act, in, over, and through the public lands of the United States in the counties of Tuolumne, Stanislaus, San Joaquin, and Alameda, in the State of California, and in, over, and through the Yosemite National Park and the Stanislaus National Forest, or portions thereof, lying within the said counties, for the purpose of constructing, operating, and maintaining aqueducts, canals, ditches, pipes, pipe lines, flumes, tunnels, and conduits for conveying water for domestic purposes and uses to the city and county of San Francisco and such other municipalities and water districts as, with the consent of the city and county of San Francisco, or in accordance with the laws of the State of California in force at the time application is made, may hereafter participate in the beneficial use of the rights and privileges granted by this Act; for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for generation and sale and distribution of electric energy; also for the purpose of constructing, operating, and maintaining telephone and telegraph lines, and for the purpose of constructing, operating, and maintaining roads, trails, bridges, tramways, railroads, and other means of locomotion, transportation, and communication, such as may be necessary or proper in the construction, maintenance, and operation of the works constructed by the grantee herein; together with such lands in the Hetch Hetchy Valley and Lake Eleanor Basin within the Yosemite National Park, and the Cherry Valley within the Stanislaus National Forest, irrespective of the width or extent of said lands, as may be determined by the Secretary of the Interior to be actually necessary for surface or underground reservoirs, diverting and storage dams; together with such lands as the Secretary of the Interior may determine to be actually necessary for power houses, and all other structures or buildings necessary or properly incident to the construction, operation, and maintenance of said water-power and electric plants, telephone and telegraph lines, and such means of locomotion, transportation, and communication as may be established; together with the right to take, free of cost, from the public lands, the Yosemite National Park, and the Stanislaus National Forest adjacent to its right of way, within such distance as the Secretary of the Interior and the Secretary of Agriculture may determine, stone, earth, gravel, sand, tufa, and other materials of like character actually necessary to be used in the construction, operation, and repair of its said water-power and electric plants, its said telephone and telegraph lines, and its said means of locomotion, transportation, or communication, under such conditions and regulations as may be fixed by the Secretary of the Interior and the Secretary of Agriculture, within their respective jurisdictions, for the protection of the public lands, the Yosemite National Park, and the Stanislaus National Forest: *Provided*, That said grantee shall file, as hereinafter provided, a map or maps showing the boundaries, location, and extent of said proposed rights of way and lands for the purposes hereinabove set forth: *Provided further*, That the Secretary of the Interior shall approve no location or change of location in the national forests unless said location or change of location shall have been approved in writing by the Secretary of Agriculture. (38 Stat. 242.)

This section and the ten sections next following were an act entitled "An act granting to the city and county of San Francisco certain rights

of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes," cited above.

Sec. 885. (Act December 19, 1913, ch. 4, sec. 2.) Filing and approval of maps.

That within three years after the passage of this Act said grantee shall file with the registers of the United States land offices, in the districts where said rights of way or lands are located, a map or maps showing the boundaries, locations, and extent of said proposed rights of way and lands required for the purposes stated in section one of this Act; but no permanent construction work shall be commenced on said land until such map or maps shall have been filed as herein provided and approved by the Secretary of the Interior: *Provided, however,* That any changes of location of any of said rights of way or lands may be made by said grantee before the final completion of any of said work permitted in section one hereof, by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; but no change of location shall become valid until approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of said map or maps showing changes of location of said rights of way or lands shall operate as an abandonment by the city and county of San Francisco to the extent of such change or changes of any of the rights of way or lands indicated on the original maps: *And provided further,* That any rights inuring to the grantee under this Act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States Land Office as provided herein, or to the date of the filing of such maps as they may be copies of as provided for herein: *And provided further,* That with reference to any map or maps heretofore filed by said city and county of San Francisco or its grantor with any officer of the Department of the Interior or the Department of Agriculture, and approved by said department, the provisions hereof will be considered complied with by the filing by said grantee of copies of any of such map or maps with the register of the United States Land Office as provided for herein, which said map or maps and locations shall as in all other cases be subject to the approval of the Secretary of the Interior. (38 Stat. 243.)

Sec. 886. (Act December 19, 1913, ch. 4, sec. 3.) Rights of way granted subject to existing claims and prior rights.

That the rights of way hereby granted shall not be effective over any lands upon which homestead, mining, or other existing valid claim or claims shall have been filed or made and which now in law constitute prior rights to any claim of the grantee until said grantee shall have purchased such portion or portions of such homestead, mining, or other existing valid claims as it may require for right-of-way purposes and other purposes herein set forth, and shall have procured proper relinquishments of such portion or portions of such claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants, and caused proper evidence of such fact to be filed with the Commissioner of the General Land

Office, and the right of such entrymen or claimants to sell and of said grantee to purchase such portion or portions of such claims are hereby granted: *Provided, however*, That this Act shall not apply to any lands embraced in rights of way heretofore approved under any Act of Congress for the benefit of any parties other than said grantee or its predecessors in interest. (38 Stat. 243.)

Sec. 887. (Act December 19, 1913, ch. 4, sec. 4.) Grantee to conform to regulations; limitation on use of timber; payment for timber, etc.; construction by grantee of bridges, fences, etc.; clearing of debris, etc., by grantee; free use by government and public of roads and trails; free use to government of telephone and telegraph lines, etc., and railroads; requirement of sightliness and harmony of structures and approval of plans.

That the said grantee shall conform to all regulations adopted and prescribed by the Secretary of the Interior governing the Yosemite National Park and by the Secretary of Agriculture governing the Stanislaus National Forest, and shall not take, cut, or destroy any timber within the Yosemite National Park or the Stanislaus National Forest, except such as may be actually necessary in order to construct, repair, and operate its said reservoirs, dams, power plants, water-power and electric works, and other structures above mentioned, but no timber shall be cut or removed from lands outside of the right of way until designated by the Secretary of the Interior or the Secretary of Agriculture, respectively; and it shall pay to the United States the full value of all timber and wood cut, injured, or destroyed on or adjacent to any of the rights of way and lands, as required by the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That no timber shall be cut by the grantee in the Yosemite National Park except from land to be submerged or which constitutes an actual obstruction to the right or rights of way or to any road or trail provided in this Act: *Provided further*, That for and in consideration of the rights and privileges hereby granted to it the said grantee shall construct and maintain in good repair such bridges or other practicable crossings over its rights of way within the Stanislaus National Forest as may be prescribed in writing by the Secretary of Agriculture, and elsewhere on public lands along the line of said works, and within the Yosemite National Park as may be prescribed in writing by the Secretary of the Interior: and said grantee shall, as said waterworks are completed, if directed in writing by the Secretary of the Interior or the Secretary of Agriculture, construct and maintain along each side of said right of way a lawful fence of such character as may be prescribed by the proper Secretary, with such suitable lanes or crossings as the aforesaid officers shall prescribe: *And provided further*, That the said grantee shall clear its rights of way within the Yosemite National Park and the Stanislaus National Forest and over any public land of any debris or inflammable material as directed by the Secretary of the Interior and the Secretary of Agriculture, respectively; and said grantee shall permit any road or trail which it may construct over the public lands, the Yosemite National Park, or the Stanislaus National Forest to be freely used by the officials of the Government and by the public, and shall permit officials of the Government, for official business only, the free use of any telephone or telegraph lines, or equipment, or railroads that it may construct and maintain within the Yosemite

National Park and the Stanislaus National Forest, or on the public lands, together with the right to connect with any such telephone or telegraph lines private telephone wires for the exclusive use of said Government officials: *And provided further*, That all reservoirs, dams, conduits, power plants, water power and electric works, bridges, fences, and other structures not of a temporary character shall be sightly and of suitable exterior design and finish so as to harmonize with the surrounding landscape and its use as a park; and for this purpose all plans and designs shall be submitted for approval to the Secretary of the Interior. (38 Stat. 243.)

Sec. 888. (Act December 19, 1913, ch. 4, sec. 5.) Disposition of lands granted subject to easements; diligence required in construction; limitation on periods of cessation; forfeiture of rights for lack of diligence or cessation beyond limitation; delays for unforeseen difficulties excepted; compliance with regulations.

That all lands over which the rights of way mentioned in this Act shall pass shall be disposed of only subject to such easements: *Provided, however*, That the construction of the aforesaid works shall be prosecuted diligently, and no cessation of such construction shall continue for a period of three consecutive years, and in the event that the Secretary of the Interior shall find and determine that there has not been diligent prosecution of the work or of some integral and essential part thereof, or that there has been a cessation of such construction for a period of three consecutive years, then he may declare forfeited all rights of the grantee herein as to that part of the works not constructed, and request the Attorney General, on behalf of the United States, to commence suit in the United States District Court for the Northern District of California for the purpose of procuring a judgment declaring all such rights to that part of the works not constructed to be forfeited to the United States, and upon such request it shall be the duty of the said Attorney General to cause to be commenced and prosecuted to a final judgment such suit: *Provided further*, That the Secretary of the Interior shall make no such finding and take no such action if he shall find that the construction or progress of the works has been delayed or prevented by the act of God or the public enemy, or by engineering or other difficulties that could not have been reasonably foreseen and overcome, or by other special or peculiar difficulties beyond the control of the said grantee: *Provided further*, That in the exercise of the rights granted by this Act, the grantee shall at all times comply with the regulations herein authorized, and in the event of any material departure therefrom the Secretary of the Interior or the Secretary of Agriculture, respectively, may take such action as may be necessary in the courts or otherwise to enforce such regulations. (38 Stat. 244.)

Sec. 889. (Act December 19, 1913, ch. 4, sec. 6.) Restriction on sale or subletting of water or electric energy by grantee.

That the grantee is prohibited from ever selling or letting to any corporation or individual, except a municipality or a municipal water district or irrigation district, the right to sell or sublet the water or the electric energy sold or given to it or him by the said grantee: *Provided*, That the rights hereby granted shall not be sold, assigned,

or transferred to any private person, corporation, or association, and in case of any attempt to so sell, assign, transfer, or convey, this grant shall revert to the Government of the United States. (38 Stat. 245.)

Sec. 890. (Act December 19, 1913, ch. 4, sec. 7.) Assignment by grantee to United States of roads and trails constructed; annual payments by grantee to United States; application of sums.

That for and in consideration of the grant by the United States as provided for in this Act the said grantee shall assign, free of cost to the United States, all roads and trails built under the provisions hereof: and further, after the expiration of five years from the passage of this Act the grantee shall pay to the United States the sum of \$15,000 annually for a period of ten years, beginning with the expiration of the five-year period before mentioned, and for the next ten years following \$20,000 annually, and for the remainder of the term of the grant shall, unless in the discretion of Congress the annual charge should be increased or diminished, pay the sum of \$30,000 annually, said sums to be paid on the first day of July of each year. Until otherwise provided by Congress, said sums shall be kept in a separate fund by the United States, to be applied to the building and maintenance of roads and trails and other improvements in the Yosemite National Park and other national parks in the State of California. The Secretary of the Interior shall designate the uses to be made of sums paid under the provisions of this section under the conditions specified herein. (38 Stat. 245.)

Sec. 891. (Act December 19, 1913, ch. 4, sec. 8.) Meaning of word "grantee."

That the word "grantee" as used herein shall be understood as meaning the city and county of San Francisco and such other municipalities or water district or water districts as may, with the consent of the city and county of San Francisco or in accordance with the laws of the State of California, hereafter participate in or succeed to the beneficial rights and privileges granted by this Act. (38 Stat. 245.)

Sec. 892. (Act December 19, 1913, ch. 4, sec. 9.) Grant subject to observance of conditions; conditions enumerated.

That this grant is made to the said grantee subject to the observance on the part of the grantee of all the conditions hereinbefore and hereinafter enumerated:

(a) That upon the completion of the Hetch Hetchy Dam or the Lake Eleanor Dam, in the Yosemite National Park, by the grantee, as herein specified, and upon the commencement of the use of any reservoirs thereby created by said grantee as a source of water supply for said grantee, the following sanitary regulations shall be made effective within the watershed above and around said reservoir sites so used by said grantee:

First. No human excrement, garbage, or other refuse shall be placed in the waters of any reservoir or stream or within three hundred feet thereof.

Second. All sewage from permanent camps and hotels within the watershed shall be filtered by natural percolation through porous earth or otherwise adequately purified or destroyed.

Third. No person shall bathe, wash clothes or cooking utensils, or water stock in, or in any way pollute, the water within the limits of the Hetch Hetchy Reservoir or any reservoir constructed by the said grantee under the provisions of this grant, or in the streams leading thereto, within one mile of said reservoir; or, with reference to the Hetch Hetchy Reservoir, in the waters from the reservoir or waters entering the river between it and the "Early intake" of the aqueduct, pending the completion of the aqueduct between "Early intake" and the Hetch Hetchy Dam site.

Fourth. The cost of the inspection necessary to secure compliance with the sanitary regulations made a part of these conditions, which inspection shall be under the direction of the Secretary of the Interior, shall be defrayed by the said grantee.

Fifth. If at any time the sanitary regulations provided for herein shall be deemed by said grantee insufficient to protect the purity of the water supply, then the said grantee shall install a filtration plant or provide other means to guard the purity of the water. No other sanitary rules or restrictions shall be demanded by or granted to the said grantee as to the use of the watershed by campers, tourists, or the occupants of hotels and cottages.

(b) That the said grantee shall recognize the prior rights of the Modesto Irrigation District and the Turlock Irrigation District as now constituted under the laws of the State of California, or as said districts may be hereafter enlarged to contain in the aggregate not to exceed three hundred thousand acres of land, to receive two thousand three hundred and fifty second-feet of the natural daily flow of the Tuolumne River, measured at the La Grange Dam, whenever the same can be beneficially used by said irrigation districts, and that the grantee shall never interfere with said rights.

(c) That whenever said irrigation districts receive at the La Grange Dam less than two thousand three hundred and fifty second-feet of water, and when it is necessary for their beneficial use to receive more water the said grantee shall release free of charge, out of the natural daily flow of the streams which it has intercepted, so much water as may be necessary for the beneficial use of said irrigation districts not exceeding an amount which, with the waters of the Tuolumne and its tributaries, will cause a flow at La Grange Dam of two thousand three hundred and fifty second-feet; and shall also recognize the rights of the said irrigation districts to the extent of four thousand second-feet of water out of the natural daily flow of the Tuolumne River for combined direct use and collection into storage reservoirs as may be provided by said irrigation districts, during the period of sixty days immediately following and including April fifteenth of each year, and shall during such period release free of charge such quantity of water as may be necessary to secure to the said irrigation districts such four thousand second-feet flow or portion thereof as the said irrigation districts are capable of beneficially directly using and storing below Jawbone Creek: *Provided, however,* That at such times as the aggregate daily natural flow of the watershed of the Tuolumne and its tributaries measured at the La Grange Dam shall be less than said districts can beneficially use and less than two thousand three hundred and fifty second-feet,

then and in that event the said grantee shall release, free of charge, the entire natural daily flow of the streams which it has under this grant intercepted.

(d) That the said grantee whenever the said irrigation districts desire water in excess of that to which they are entitled under the foregoing, shall on the written demand of the said irrigation districts sell to the said irrigation districts from the reservoir or reservoirs of the said grantee such amounts of stored water as may be needed for the beneficial use of the said irrigation districts at such a price as will return to the grantee the actual total costs of providing such stored water, such costs to be computed in accordance with the currently accepted practice of public cost accounting as may be determined by the Secretary of the Interior, including, however, a fair proportion of the cost to said grantee of the conduit, lands, dams, and water-supply system included in the Hetch Hetchy and Lake Eleanor sites; upon the express condition, however, that the said grantee may require the said irrigation districts to purchase and pay for a minimum quantity of such stored water, and that the said grantee shall be entitled to receive compensation for a minimum quantity of stored water and shall not be required to sell and deliver to the said irrigation districts more than a maximum quantity of such stored water to be released during any calendar year: *Provided, however*, That if the said irrigation districts shall develop sufficient water to meet their own needs for beneficial use and shall so notify in writing the Secretary of the Interior, the said grantee shall not be required to sell or deliver to said irrigation districts the maximum or minimum amount of stored waters hereinbefore provided for, and shall release the said districts from the obligation to pay for such stored water: *And provided further*, That said grantee shall without cost to said irrigation districts return to the Tuolumne River above the La Grange Dam for the use of the said irrigation districts all surplus or waste water resulting from the development of hydroelectric energy generated by the said grantee.

(e) That such minimum and maximum amounts of such stored water to be so released during any calendar year as hereinbefore provided and the price to be paid therefor by the said irrigation districts are to be determined and fixed by the Secretary of the Interior in accordance with the provisions of the preceding paragraph.

(f) That the Secretary of the Interior shall revise the maximum and minimum amounts of stored water to be supplied to said irrigation districts by said grantee as hereinbefore provided, whenever the said irrigation districts have properly developed the facilities of the Davis Reservoir of the Turlock Irrigation District and the Warner-Dallas Reservoir of the Modesto Irrigation District to the fullest practicable extent up to a development not exceeding in cost \$15 per acre-foot storage capacity, and whenever additional storage has been provided by the said irrigation districts which is necessary to the economical utilization of the waters of said watershed, and also after water losses and wastes have been reduced to such reasonable minimum as will assure the economical and beneficial use of such water.

(g) That the said grantee shall not be required to furnish more than the said minimum quantity of stored water hereinbefore pro-

vided for until the said irrigation districts shall have first drawn upon their own stored water to the fullest practicable extent.

(h) That the said grantee shall not divert beyond the limits of the San Joaquin Valley any more of the waters from the Tuolumne watershed than, together with the waters which it now has or may hereafter acquire, shall be necessary for its beneficial use for domestic and other municipal purposes.

(i) That the said grantee shall, at its own expense, locate and construct, under the direction of the Secretary of the Interior, such weirs or other suitable structures on sites to be granted, if necessary, by the United States, for accurately measuring the flow in the said river at or above La Grange Dam, and measuring the flow into and out from the reservoirs or intakes of said districts, and into and out from any reservoirs constructed by the said grantee, and at any other point on the Tuolumne River or its tributaries, which he may designate, and fit the same with water-measuring apparatus satisfactory to said Secretary and keep such hydrographic records as he may direct, such apparatus and records to be open to inspection by any interested party at any time.

(j) That by "the flow," "natural daily flow," "aggregate daily flow," and "what is naturally flowing," as are used herein, is meant such flow as on any given day would flow in the Tuolumne River or its tributaries if said grantee had no storage or diversion works on the said Tuolumne watershed.

(k) That when the said grantee begins the development of the Hetch Hetchy Reservoir site, it shall undertake and vigorously prosecute to completion a dam at least two hundred feet high, with a foundation capable of supporting said dam when built to its greatest economic and safe height.

(l) That the said grantee shall, upon request, sell or supply to said irrigation districts, and also to the municipalities within either or both said irrigation districts, for the use of any land owner or owners therein for pumping subsurface water for drainage or irrigation, or for the actual municipal public purposes of said municipalities (which purposes shall not include sale to private persons or corporations) any excess of electrical energy which may be generated, and which may be so beneficially used by said irrigation districts or municipalities, when any such excess of electric energy may not be required for pumping the water supply for said grantee and for the actual municipal public purposes of the said grantee (which purposes shall not include sale to private persons or corporations) at such price as will actually reimburse the said grantee for developing and maintaining and transmitting the surplus electrical energy thus sold; and no power plant shall be interposed on the line of the conduit except by the said grantee, or the lessee, as hereinafter provided, and for the purposes and within the limitations in the conditions set forth herein: *Provided*, That said grantee shall satisfy the needs of the landowners in said irrigation districts for pumping subsurface water for drainage or irrigation, and the needs of the municipalities within such irrigation districts for actual municipal public purposes, after which it may dispose of any excess electrical energy for commercial purposes.

(m) That the right of said grantee in the Tuolumne water supply to develop electric power for either municipal or commercial use is to be made conditional for twenty years following the completion of any portion of the works adapted to the generation of electrical energy, as follows: The said grantee shall within three years from the date of completion of said portion of the works install, operate, and maintain apparatus capable of developing and transmitting not less than ten thousand horsepower of electric power for municipal and commercial uses, said ten thousand horsepower to be actually used or offered for use; and within ten years from the completion of said portion of the works not less than twenty thousand horsepower; and within fifteen years therefrom not less than thirty thousand horsepower; and within twenty years therefrom not less than sixty thousand horsepower, unless in the judgment of the Secretary of the Interior the public interest will be satisfied with a lesser development. The said grantee shall develop and use hydroelectric power for the use of its people and shall, at prices to be fixed under the laws of California or, in the absence of such laws, at prices approved by the Secretary of the Interior, sell or supply such power for irrigation, pumping, or other beneficial use, said prices not to be less than will return to said grantee the actual total costs of providing and supplying said power, which costs shall be computed in accordance with the currently accepted practice of public cost accounting, as shall be determined by the Secretary of the Interior, including, however, a fair proportion of cost of conduit, lands, dams, and water-supply system; and further, said grantee shall, before using any of said water for the purpose of developing hydroelectric power, file such maps, surveys, field notes, or other data as may be required by law, and shall conform to any law existing and applicable to said subject of development of said hydroelectric power for municipal or commercial uses.

(n) That after the period of twenty years hereinbefore provided for the development, transmission, use, and sale of electric power, the Secretary of the Interior, under authorization hereby given, may require the grantee, within a time fixed by the Secretary, to develop, transmit, and use, or offer for sale, such additional power, and also such power less than sixty thousand horsepower as the grantee may have failed to develop, transmit, use, or sell, within the twenty years aforesaid, as in the judgment of said Secretary the grantee may or ought to develop under this grant, and which in his judgment the public interest demands or convenience requires; and in case of the failure of the grantee to carry out any such requirements of the Secretary of the Interior the latter is hereby authorized so to do, and he may, in such manner and form and upon such terms and conditions as he may determine, provide for the development, transmission, use, and sale of such additional power and such power not so developed, transmitted, or used by the grantee at the end of said twenty years up to sixty thousand horsepower; and for that purpose the Secretary of the Interior may take possession of and lease to such person or persons as he may designate such portion of the rights of way, structures, dams, conduits, and other property acquired or constructed by the grantee hereunder as may be necessary for the development, transmission, use, and sale of such power.

(o) That the rates or charges to be made by the grantee or by any lessee under the last preceding paragraph for the use of power for commercial purposes shall at all times conform to the laws of the State of California or, in the absence of any such statutory law, be subject to the approval of the Secretary of the Interior, and in the absence of such law no rates or charges shall be made, fixed, or collected without such approval, and the grantee shall at any time, upon the demand of the Secretary of the Interior allow the latter or such person or persons as he may designate full and free access, right, and opportunity to examine and inspect all of the grantee's books, records, and accounts, and all the work constructed and property occupied hereunder by the grantee.

(p) That this grant is upon the further condition that the grantee shall construct on the north side of the Hetch Hetchy Reservoir site a scenic road or trail, as the Secretary of the Interior, may determine, above and along the proposed lake to such point as may be designated by the said Secretary, and also leading from said scenic road or trail a trail to the Tiltill Valley and to Lake Vernon, and a road or trail to Lake Eleanor and Cherry Valley via McGill Meadow; and likewise the said grantee shall build a wagon road from Hamilton or Smiths Station along the most feasible route adjacent to its proposed aqueduct from Groveland to Portulaca or Hog Ranch and into the Hetch Hetchy Dam site, and a road along the southerly slope of Smiths Peak from Hog Ranch past Harden Lake to a junction with the old Tioga Road, in section four, township one south, range twenty-one east, Mount Diablo base and meridian, and such roads and trails made necessary by this grant, and as may be prescribed by the Secretary of the Interior. Said grantee shall have the right to build and maintain such other necessary roads or trails through the public lands, for the construction and operation of its works, subject, however, to the approval of the Secretary of Agriculture in the Stanislaus National Forest, and the Secretary of the Interior in the Yosemite National Park. The said grantee shall further lay and maintain a water pipe, or otherwise provide a good and sufficient supply of water for camp purposes at the Meadow, one-third of a mile, more or less, southeasterly from the Hetch Hetchy Dam site.

That all trail and road building and maintenance by the said grantee in the Yosemite National Park and the Stanislaus National Forest shall be done subject to the direction and approval of the Secretary of the Interior or the Secretary of Agriculture according to their respective jurisdictions.

(q) That the said grantee shall furnish water at cost to any authorized occupant within one mile of the reservoir and in addition to the sums provided for in section seven it shall reimburse the United States Government for the actual cost of maintenance of the above roads and trails in a condition of repair as good as when constructed.

(r) That in case the Department of the Interior is called upon, by reason of any of the above conditions, to make investigations and decisions respecting the rights, benefits, or obligations specified in this Act, which investigations or decisions involve expense to the said Department of the Interior, then such expense shall be borne by said grantee.

(s) That the grantee shall file with the Secretary of the Interior, within six months after the approval of this Act, its acceptance of the terms and conditions of this grant.

(t) That the grantee herein shall convey to the United States, by proper conveyance, a good and sufficient title free from all liens and encumbrances of any nature whatever, to any and all tracts of land which are now owned by said grantee within the Yosemite National Park or that part of the national forest adjacent thereto not actually required for use under the provisions of this Act, said conveyance to be approved by and filed with the Secretary of the Interior within six months after the said grantee ceases to use such lands for the purpose of construction or repair under the provisions of this Act.

(u) That the city and county of San Francisco shall sell to the United States, for the use of the War Department, such water as the War Department may elect to take, and shall deliver the same through its system in or near the city of San Francisco to the mains or systems of such military reservations in that vicinity as may be designated by the Secretary of War, under such rules and regulations as he may prescribe. In payment for such water and the delivery thereof the United States shall pay to the said city and county of San Francisco a rental, to be calculated at a fixed rate per one thousand gallons, said rate not to exceed the actual cost of said water to said city and county for all the water so furnished, as determined by meter measurements: *And provided further*, That payment of said rental shall be made by the local disbursing officer of the War Department in the usual manner: *Provided, however*, That the grantee shall at all times comply with and observe on its part all the conditions specified in this Act, and in the event that the same are not reasonably complied with and carried out by the grantee, upon written request of the Secretary of the Interior, it is made the duty of the Attorney General in the name of the United States to commence all necessary suits or proceedings in the proper court having jurisdiction thereof, for the purpose of enforcing and carrying out the provisions of this Act. (38 Stat. 245.)

Sec. 893. (Act December 19, 1913, ch. 4, sec. 10.) Grant to constitute a binding obligation upon grantee in favor of and enforceable by irrigation districts.

That this grant, so far as it relates to the said irrigation districts, shall be deemed and held to constitute a binding obligation upon said grantee in favor of the said irrigation districts which said districts, or either of them, may judicially enforce in any court of competent jurisdiction. (38 Stat. 250.)

Sec. 894. (Act December 19, 1913, ch. 4, sec. 11.) Grant made upon express conditions of act; State laws and vested rights not affected.

That this Act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this Act, shall proceed in conformity with the laws of said State. (38 Stat. 250.)

Sec. 895. (Act March 14, 1914, ch. 39, sec. 1.) Lands within Whitman National Forest reserved and set aside for water supply for Baker, Oregon.

That the public lands within the Whitman National Forest situated in the county of Baker, State of Oregon, hereinafter described, are hereby reserved from all forms of location or entry and set aside as a municipal water-supply reserve for the benefit of the city of Baker, a municipal corporation of the State of Oregon, to wit: South half of northeast quarter and north half of southeast quarter section four, township nine south, range thirty-eight east of the Willamette meridian: *Provided*, That if the said city of Baker shall at any time cease to use said land for said purpose, then, and in that event, the rights hereby granted to said city shall cease and the unrestricted title to said land shall revert to and vest in the United States. (38 Stat. 308.)

This section and the three sections next following were an act entitled "An act for the protection of the water supply of the city of Baker, a municipal corporation of the State of Oregon," cited above.

Sec. 896. (Act March 14, 1914, ch. 39, sec. 2.) Rights defined.

That to accomplish the purpose of this Act as defined in section one hereof, said city of Baker shall have the right, subject to approval of the Secretary of Agriculture, to the use of any and all parts of the land above described for the storage and conveying of water and the construction and maintenance thereon of reservoirs, pipes, pipe lines, mains, conduits, and other like or any improvements or means for the storage, diversion, or transmission of water. (38 Stat. 308.)

Sec. 897. (Act March 14, 1914, ch. 39, sec. 3.) Act subject to vested rights.

That this Act shall be subject to the vested rights of any municipality, person, or persons in or to the above-described premises or any part thereof or the water thereof. (38 Stat. 308.)

Sec. 898. (Act March 14, 1914, ch. 39, sec. 4.) Right reserved to alter, amend, or repeal act.

That the right to alter, amend, or repeal this Act is hereby expressly reserved. (38 Stat. 308.)

Sec. 899. (Act September 19, 1914, ch. 302, sec. 1.) Lands reserved and set aside for water supply for Salt Lake City, Utah.

That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situate in the county of Salt Lake, State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or non-mineral land laws of the United States, and set aside as a municipal water supply reserve for the use and benefit of the city of Salt Lake City, a municipal corporation of the State of Utah, as follows, to wit: The south half of the south half of section nine; the south half of the southwest quarter and the southeast quarter of section ten; the south half of section eleven; section twelve; section thirteen; section fourteen; section fifteen; section sixteen; the northeast quarter and south half of section seventeen; the south half of the south half of section eighteen; section nineteen; section twenty; section twenty-one; section twenty-two; section twenty-three; section twenty-four; section twenty-five; section twenty-six; section

twenty-seven; section twenty-eight; the north half of section twenty-nine; the north half of the north half of section thirty-three; the north half of the north half of section thirty-four; section thirty-five; section thirty-six, in township one north, range one east, of Salt Lake base and meridian; all of township one north, range two east of Salt Lake base and meridian; the south half of section thirty-two; the south half of section thirty-three; the south half of the south half of section thirty-four; the south half of section thirty-five, in township two north, range two east of Salt Lake base and meridian; the south half of section seven; the west half of the west half of section seventeen; section eighteen; section nineteen; section thirty; section thirty-one in township one north, range three east, of Salt Lake base and meridian; section one; section two; the northeast quarter of section eleven; section twelve; section thirteen; section twenty-four in township one south, range one east, of Salt Lake base and meridian; section one; section two; section three; section four; section five; section six; section seven; section eight; section nine; section ten; section eleven; section twelve; section thirteen; section fourteen, section fifteen; section sixteen; section seventeen; section eighteen; section nineteen; section twenty; section twenty-one; section twenty-two; section twenty-three; section twenty-four; the north half of section twenty-five, in township one south, range two east, of Salt Lake base and meridian; the west half and the southeast quarter of section five; section six; section seven; section eight; the west half of the west half of section nine; the west half of the west half of section sixteen; section seventeen; section eighteen; section nineteen; section twenty; the west half and the southeast quarter of section twenty-one; the west half of section twenty-seven; section twenty-eight; section twenty-nine; section thirty; the north half of section thirty-two; the north half of section thirty-three; the northwest quarter of section thirty-four, in township one south, range three east, of Salt Lake base and meridian. (38 Stat. 714.)

This section and the three sections next following were an act entitled "An act for the protection of the water supply of the city of Salt Lake City, Utah," cited above.

Sec. 900. (Act September 19, 1914, ch. 302, sec. 2.) Administration of lands reserved.

That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture in cooperation with and at the exclusive expense of the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes; and to that end said city shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes. (38 Stat. 715.)

Sec. 901. (Act September 19, 1914, ch. 302, sec. 3.) Regulations for carrying out purpose of act; right to forbid trespassing; violation of act and regulations punishable.

That in addition to the authority given the Secretary of Agriculture under the Act of June fourth, eighteen hundred and ninety-

seven (Thirtieth Statutes, page thirty-five), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this Act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be punishable as is provided for in section fifty of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States, approved March fourth, nineteen hundred and nine" (Thirty-fifth Statutes at Large, page one thousand and ninety-eight), as amended by the Act of Congress approved June twenty-fifth, nineteen hundred and ten (Thirty-sixth Statutes at Large, page eight hundred and fifty-seven). (38 Stat. 715.)

The provisions of Act June 4, 1897, ch. 2, sec. 1, referred to in this section, are set forth *ante*, secs. 539-549.

Section 50 of Act March 4, 1909, ch. 321, as amended by Act June 25, 1910, ch. 431, sec. 6, mentioned in this section, is set forth *ante*, sec. 613.

Sec. 902. (Act September 19, 1914, ch. 302, sec. 4.) Act subject to prior legal rights; right reserved to alter, amend, or repeal act.

That this Act shall be subject to all legal rights heretofore acquired under any law of the United States, and the right to alter, amend, or repeal this Act is hereby expressly reserved. (38 Stat. 716.)

Sec. 903. (Act February 28, 1919, ch. 76, sec. 1.) Lands in Cleveland National Forest granted to San Diego, Calif., for water supply.

That the south half of the northeast quarter of the northwest quarter and the north half of the southwest quarter of section eight; the west half of the southwest quarter of the southwest quarter and the west half of the northeast quarter of the northwest quarter of section nine, all in township fifteen south, range two east, San Bernardino base and meridian, within the Cleveland National Forest; and the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of section fifteen; the northeast quarter of the southeast quarter of section twenty-one; the northwest quarter of the northeast quarter, the northwest quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section twenty-two; the west half of the northwest quarter of section twenty-seven; and the east half of the northeast quarter, the southwest quarter of the northeast quarter, and the southeast quarter of section twenty-eight; and the northeast quarter, the west half of the southeast quarter, the east half of the southwest quarter, and the southeast quarter of the northwest quarter of section thirty-three, all in township fourteen south, range two east, San Bernardino base and meridian; also the north half of the southwest quarter and the southwest quarter of the southwest quarter of section three, and lots two, three, six, seven, eight, nine, ten, eleven, and the south half of section four, all in township fifteen south, range two east, San Bernardino base and meridian, within the Capitan Grande Indian Reservation, and all within the county of San Diego and State of California, are hereby granted to the city of San Diego, a municipal corporation in said county and State, for dam and reservoir purposes for the conservation and storage of water, whenever said city shall have provided compensation as hereinafter specified for all property rights and interests and damages done to Mission Indians located upon the Capitan Grande Indian Reservation: *Provided*.

That the lands herein granted shall not be sold, assigned, transferred, or conveyed to any private person, corporation, or association; and in case of any attempt to sell, assign, transfer, or convey, or upon a failure to use and apply said lands exclusively to the purposes herein specified, this grant shall revert to the United States. (40 Stat. 1206.)

This section and the six sections next following were an act entitled "An act granting to the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes," cited above.

Sec. 904. (Act February 26, 1919, ch. 76, sec. 2.) Lands granted subject to existing legal rights.

That the lands herein granted are and shall be subject to all legal rights heretofore acquired by any person, persons, or corporation in or to the above described premises, or any part thereof, and now existing under and by virtue of the laws of the United States, and no private right, title, interest, or claim of any person, persons, or corporation in or to any of such lands shall be interfered with or abridged, except with the consent of the owner or owners, or claimant or claimants thereof, or by due process of law and just compensation paid to such owner or claimant: *Provided*, That the rights and claims of the Mission Indians of the Capitan Grande Indian Reservation, located upon the lands herein described and affected by the grant herein, shall be protected and provided for as hereafter set forth in section three of this Act. (40 Stat. 1207.)

Sec. 905. (Act February 28, 1919, ch. 76, sec. 3.) Condemnation proceedings by California for Indian lands; grant not effective until payment of condemnation awards, etc.

That the law of eminent domain of the State of California is hereby extended over and made to apply to said lands, and the Secretary of the Interior or his duly authorized representative is hereby directed to appear on behalf of, in the name of, and to represent the Capitan Grande Band of Indians and the United States in any proceedings instituted by the city of San Diego to condemn the interest of said Indians in said lands: *Provided*, That any judgment or order of condemnation entered in such proceeding shall be binding upon said Capitan Grande Band of Indians only upon the approval by the Secretary of the Interior of the terms of said judgment: *Provided further*, That the Secretary of the Interior shall require from the city of San Diego in addition to the award of condemnation such further sum which, in his opinion, when added to said award, will be sufficient in the aggregate to provide for the purchase of additional lands for the Capitan Grande Band of Indians, the erection of suitable homes for the Indians on the lands so purchased, the erection of such schools, churches, and administrative buildings, the sinking of such wells and the construction of such roads and ditches, and providing water and water rights and for such other expenses as may be deemed necessary by the Secretary of the Interior to properly establish these Indians permanently on the lands purchased for them; and the Secretary of the Interior is hereby authorized to expend the proceeds or any part thereof, derived from this grant for the purposes above enumerated, for the exclusive use

and benefit of said Indians: *And provided further*, That the grant made in this Act shall not become effective until payment has been made of the sums herein provided for. (40 Stat. 1207.)

Sec. 906. (Act February 28, 1919, ch. 76, sec. 4.) Acquirement of lands by grantee; issue of bonds for paying judgments and construction of dam, reservoir, etc.; commencement of dam and reservoir; forfeiture for failure; allowance for casualties; compliance with regulations; residence of Indians pending completion of reservoir.

That within one year after the approval of this Act the city of San Diego shall commence condemnation proceedings to acquire the lands herein described and shall diligently prosecute such proceedings to a final judgment. Within two years after the approval by the Secretary of the Interior of any such judgment of condemnation the city of San Diego shall institute, and thereafter shall diligently prosecute, proceedings for the issuance and sale of municipal bonds to defray the amount necessary to satisfy any such judgment of condemnation, paying such additional sum as the Secretary of the Interior may require, as provided for in section three, and providing for the acquisition, construction, and completion of a dam, reservoir, pipe line, and appurtenances thereto necessary or convenient to the storage and conservation of water upon the lands herein described for the purposes set forth in this bill. Within six months from the time of payment into the city treasury of the moneys realized from the sale of municipal bonds issued as herein provided the city of San Diego shall commence the construction of said dam and reservoir, and the same shall be prosecuted diligently, and in the event that the Secretary of the Interior shall find and determine that there has not been diligent prosecution of the work, or that said condemnation proceedings have not been commenced and diligently prosecuted, or that municipal bonds have not been issued and sold as herein provided, then he may declare forfeited all rights of the grantees herein and request the Attorney General, on behalf of the United States, to commence suits or proceedings in the proper court having jurisdiction thereof for the purpose of procuring a judgment declaring all rights to be forfeited to the United States, and upon such request it shall be the duty of said Attorney General to cause to be commenced and prosecuted to a final judgment such suits or proceedings: *Provided*, That the Secretary of the Interior shall make no such findings and take no such action if he shall find that the issuance or sale of municipal bonds or the construction or progress of the dam or reservoir has been delayed or prevented by the act of God or the public enemy or by legal, engineering, or other difficulties that could not have been reasonably foreseen and overcome, or by other special or peculiar difficulties beyond the control of said grantee: *Provided further*, That in the exercise of the rights granted by this Act the grantee shall at all times comply with the regulations herein authorized, and in the event of any material departure therefrom the Secretary of the Interior or the Secretary of Agriculture, respectively, may take such action as may be necessary in the courts or otherwise to enforce such regulations: *Provided further*, That if such dam be built the Indians of the Capitan Grande Reservation shall be permitted to reside on, occupy, and cultivate the lands

of their present reservation up until within ninety days of the time when water for storage purposes will be turned into the reservoir to be constructed hereunder, provided such occupancy by the Indians will not materially hinder the construction of the dam and storage work, which fact is to be determined by the Secretary of the Interior. (40 Stat. 1207.)

Sec. 907. (Act February 28, 1919, ch. 76, sec. 5.) Use of reservoir; sale of water to Government; rates of payment; observance of conditions required; enforcement; assignment to State public water districts authorized.

That said reservoir, when constructed, shall be maintained and controlled by the city of San Diego for the use and benefit of said city and the inhabitants thereof and of such other municipalities within the county of San Diego, State of California; as may be now or hereafter furnished with water by said city of San Diego, and for the use and benefit of riparian owners along the San Diego River below the lands herein described and for the benefit of persons, corporations, or municipalities situated along or adjacent to the pipe lines of said city of San Diego for the conservation and storage of water for domestic, irrigation, or municipal uses: *Provided*, That the city of San Diego shall sell to the United States for the use of the War and Navy Departments such water as the War and Navy Departments, or either of them, may elect to take, and shall deliver the same through its system in or near the city of San Diego to the mains or systems of such military or naval reservations in that vicinity as may be designated by the Secretary of War or the Secretary of the Navy, or both, under such rules and regulations as they or either of them may prescribe. In payment of such water and the delivery thereof the United States shall pay to said city of San Diego a rental to be calculated at a fixed rate per one thousand gallons, said rate not to exceed the actual cost of such water to said city for all water so furnished as determined by meter measurements: *Provided, however*, That the grantee shall at all times comply with and observe on its part all of the conditions specified in this Act, and in the event that the sums are not reasonably complied with and carried out by the grantee upon written request by the Secretary of the Interior it is made the duty of the Attorney General, in the name of the United States, to commence all necessary suits or proceedings in the proper court having jurisdiction thereof for the purpose of enforcing and carrying out the provisions of this Act: *Provided*, That the city of San Diego is authorized to assign all its rights, powers, and privileges under this Act to any public water district formed under the laws of California. (40 Stat. 1208.)

Sec. 908. (Act February 28, 1919, ch. 76, sec. 6.) State laws not affected.

That this Act is a grant upon certain express conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intending to affect or in any way to interfere with the laws of the State of California relating to the control, appropriation, use, or distribution of water used in irrigation, or for municipal or other uses or any vested rights acquired thereunder, and the Sec-

retary of the Interior and the city of San Diego in carrying out the provisions of this Act shall proceed in conformity with the laws of said State. (40 Stat. 1209.)

Sec. 909. (Act February 28, 1919, ch. 76, sec. 7.) Time for filing acceptance of grant.

That the grantee shall file with the Secretary of the Interior, within six months after the approval of this Act, its acceptance of the terms and conditions of this grant. (40 Stat. 1209.)

Sec. 910. (Act March 4, 1921, ch. 159, sec. 2.) Reservation authorized of any lands within Rainier National Forest for protection of water supply; administration by Secretary of Agriculture in cooperation with municipality; rules and regulations for carrying out purpose of act; right to forbid trespassing; punishment for violations.

That the President is hereby authorized, upon application by a municipality, to reserve and set aside from all forms of location, entry, or appropriation, under either the mineral or nonmineral land laws of the United States, any lands of the United States within the exterior boundaries of the Rainier National Forest which, in his judgment, are essential for the protection of the water supply of such municipality, and such reservation shall remain in force until revoked by him or by Act of Congress, said lands thereafter to be administered for watershed protection by the Secretary of Agriculture in cooperation with the municipality for whose benefit they were reserved, and the Secretary of Agriculture is authorized, in addition to the rules and regulations authorized by the Act of June 4, 1897 (Thirtieth Statutes, page 11), and Acts supplemental thereto and amendatory thereof, to prescribe from time to time and enforce rules and regulations necessary to carry out the purpose of this Act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon such reservations. Any violation of this Act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909" (Thirty-fifth Statutes at Large, page 1098), as amended by the Act of Congress approved June 25, 1910 (Thirty-sixth Statutes at Large, page 857.) (41 Stat. 1367.)

This was a section of an act entitled "An act authorizing the exchange of lands within the Rainier National Forest, in the State of Washington, and for other purposes," cited above.

Section 1 of this act, authorizing the exchange of timber or lands in any national forest in the State of Washington for lands within Rainier National Forest valuable for national-forest purposes, and providing that lands so acquired become parts of Rainier National Forest, is set forth, *ante*, sec. 723.

The provisions of Act June 4, 1897, ch. 2, sec. 1, referred to in this section, are set forth, *ante*, secs. 538-549.

Section 50 of Act March 4, 1909, ch. 321, as amended by Act June 25, 1910, ch. 431, sec. 6, mentioned in this section, is set forth, *ante*, sec. 613.

Sec. 910a. (Act April 28, 1922, ch. 152.) Lands in Deer Lodge National Forest for municipal park for Butte, Montana.

That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the municipality of Butte, Montana,

to designate and segregate for municipal recreational development any lands, not to exceed thirty-six hundred acres, within the Deer-lodge National Forest which, in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperation with the said municipal authorities as, in his opinion, will permit the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Lands so designated and segregated, under the provisions of this Act, shall not be subject to the mining laws of the United States. (42 Stat. 501.)

This was an act entitled "An Act providing for a municipal park for the city of Butte, Montana, cited above.

PART II. PROVISIONS RELATING GENERALLY TO THE PUBLIC SERVICE.

CHAPTER 27.

OFFICERS AND EMPLOYEES.

Sec. 911. (R. S. sec. 160.) Salaries of heads of Departments.

Each head of a Department is entitled to a salary of ten thousand dollars a year, to be paid monthly.

Act March 3, 1873, ch. 226, sec. 1, 17 Stat. 486.

The salaries of the heads of departments having been increased from \$8,000 to \$10,000 by provisions of Act March 3, 1873, ch. 226, sec. 1, incorporated in this section of the Revised Statutes and cited above, were reduced to and fixed at the rate of \$8,000, by Act January 20, 1874, ch. 11, 18 Stat. 4.

The rates of compensation of the heads of Executive Departments who are members of the President's Cabinet were fixed at \$12,000, by Act February 26, 1907, ch. 1635, sec. 4, *post*, sec. 912.

The Secretary of Agriculture receives the same salary as is paid to the Secretary of each of the Executive departments, by Act February 9, 1889, ch. 122, sec. 3, *ante*, sec. 4.

Sec. 912. (Act February 26, 1907, ch. 1635, sec. 4.) Compensation of heads of Executive Departments.

That on and after March fourth, nineteen hundred and seven the compensation of the Speaker of the House of Representatives, the Vice-President of the United States and the heads of Executive Departments who are members of the President's Cabinet shall be at the rate of twelve thousand dollars per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, and the Resident Commissioner from Porto Rico shall be at the rate of seven thousand five hundred dollars per annum each. (34 Stat. 993.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1908, cited above.

The rate of the annual compensation of the heads of the executive departments, provided in this section, superseded the amount as fixed by R. S. sec. 160, *ante*, sec. 911.

The Secretary of Agriculture receives the same salary as is paid to the Secretary of each of the executive departments, by Act February 9, 1889, ch. 122, sec. 3, *ante*, sec. 4.

Sec. 913. (R. S. sec. 161.) Department regulations.

The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

Act July 27, 1789, ch. 4, 1 Stat. 28. Act September 15, 1789, ch. 14, 1 Stat. 68. Act August 7, 1789, ch. 7, 1 Stat. 49. Act September 2, 1789, ch. 12, 1 Stat. 65. Act June 8, 1872, ch. 335, 17 Stat. 283. Act April 30, 1798, ch. 35, 1 Stat. 553. Act June 22, 1870, ch. 150, sec. 8, 16 Stat. 163. Act March 3, 1849, ch. 108, 9 Stat. 395.

Provisions authorizing each head of a department to alter the distribution of clerks among the various bureaus and officers, and to diminish the number of clerks of a higher grade and increase that of a lower grade were made by R. S. sec. 166, and Act August 15, 1876, ch. 287, sec. 3, *post*, secs. 964, 965.

Heads of departments were empowered to make and enforce regulations to carry out the provisions of Act March 29, 1894, ch. 49, relating to the making of returns of public property, by section 4 of said act, *post*, sec. 1212.

Heads of departments were required to make regulations to secure a proper administrative examination of accounts, by Act July 31, 1894, ch. 174, sec. 22, *post*, sec. 1208.

The Secretary of Agriculture shall have charge of the library, furniture, fixtures, records, and other property appertaining to the Department, by R. S. sec. 525, *ante*, sec. 41.

Sec. 914. (R. S. sec. 177.) Vacancies in headships of departments; how temporarily filled.

In case of the death, resignation, absence, or sickness of the head of any Department, the first or sole assistant thereof shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such head until a successor is appointed, or such absence or sickness shall cease.

Act July 23, 1868, ch. 227, sec. 1, 15 Stat. 168.

R. S. sec. 179, mentioned in this section, is set forth, *post*, sec. 916.

Sec. 915. (R. S. sec. 178.) Vacancies in subordinate offices of departments; how temporarily filled.

In case of the death, resignation, absence, or sickness of the chief of any Bureau, or of any officer thereof, whose appointment is not vested in the head of the Department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such Bureau, shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease.

Act July 23, 1868, ch. 227, sec. 2, 15 Stat. 168.

R. S. sec. 179, mentioned in this section, is set forth, *post*, sec. 916.

Sec. 916. (R. S. sec. 179.) Discretionary authority of the President to fill temporary vacancies.

In any of the cases mentioned in the two preceding sections, except the death, resignation, absence, or sickness of the Attorney-General, the President may, in his discretion, authorize and direct the head of any other Department or any other officer in either Department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease.

Act July 23, 1868, ch. 227, sec. 3, 15 Stat. 168. Act June 22, 1870, ch. 150, sec. 2, 16 Stat. 162.

R. S. secs. 177 and 178, referred to in this section, are set forth, *ante*, secs. 914, 915.

Sec. 917. (R. S. sec. 180, as amended by Act February 6, 1891, ch. 113.) Temporary appointments, to fill vacancies, limited to thirty days.

A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than thirty days.

Act July 23, 1868, ch. 227, sec. 3, 15 Stat. 168. Act February 6, 1891, ch. 113, 26 Stat. 733.

R. S. secs. 177, 178, and 179, referred to in this section, are set forth, *ante*, secs. 914-916.

The amendment of this section by Act February 6, 1891, ch. 113, cited above, consisted in the change of the period for which a vacancy may be filled from "ten days," as provided in the original section, to "thirty days."

Sec. 918. (R. S. sec. 181.) Restriction on temporary appointments.

No temporary appointment, designation, or assignment of one officer to perform the duties of another, in the cases covered by sections one hundred and seventy-seven and one hundred and seventy-eight, shall be made otherwise than as provided by those sections, except to fill a vacancy happening during a recess of the Senate.

Act July 23, 1868, ch. 227, sec. 2, 15 Stat. 168.

R. S. secs. 177 and 178, mentioned in this section are set forth, *ante*, secs. 914, 915.

Sec. 919. (R. S. sec. 182.) Extra compensation to officers performing duties of another office, during vacancies, disallowed.

An officer performing the duties of another office, during a vacancy, as authorized by sections one hundred and seventy-seven, one hundred and seventy-eight, and one hundred and seventy-nine, is not by reason thereof entitled to any other compensation than that attached to his proper office.

Act July 23, 1868, ch. 227, sec. 3, 15 Stat. 168.

R. S. secs. 177, 178, and 179, mentioned in this section, are set forth, *ante*, secs. 914-916.

Sec. 920. (R. S. sec. 1761.) Payment of salaries to appointees to fill vacancies in offices during recess in Senate.

No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

Act February 9, 1863, ch. 25, sec. 2, 12 Stat. 646.

Sec. 921. (Act February 8, 1899, ch. 121.) Suits, etc., by or against officers in official capacity not to abate by reason of death, expiration of term, etc.

That no suit, action, or other proceeding lawfully commenced by or against the head of any Department or Bureau or other officer of the United States in his official capacity, or in relation to the discharge of his official duties, shall abate by reason of his death, or the expiration of his term of office, or his retirement, or resignation, or removal from office, but, in such event, the Court, on motion or supplemental petition filed, at any time within twelve months thereafter, showing a necessity for the survival thereof to obtain a settlement of the ques-

tions involved, may allow the same to be maintained by or against his successor in office, and the Court may make such order as shall be equitable for the payment of costs. (30 Stat. 822.)

This was an act entitled "An act to prevent the abatement of certain actions," cited above.

Sec. 922. (R. S. sec. 356.) Opinion of Attorney General upon questions of law arising in departments.

The head of any Executive Department may require the opinion of the Attorney-General on any questions of law arising in the administration of his Department.

Act June 22, 1870, ch. 150, sec. 6, 16 Stat. 163.

The heads of departments, when in need of counsel or advice, were required to call upon the Department of Justice, and were prohibited from employing attorneys or counsel at the expense of the United States, by R. S. sec. 189, *post*, sec. 989.

The officers of the Department of Justice, under the direction of the Attorney General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the heads of all departments and other officers in the departments to discharge their respective duties, by R. S. sec. 361, *post*, sec. 923.

Sec. 923. (R. S. sec. 361.) Officers of Department of Justice to perform all legal services for other departments.

The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of Bureaus and other officers in the Departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section three hundred and sixty-three.

Act June 22, 1870, ch. 150, sec. 14, 16 Stat. 164.

The head of any executive department may require the opinion of the Attorney General on any question of law arising in the administration of his department, by Revised Statutes section 356, *ante*, sec. 922.

The Attorney General was required to provide service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in any department, upon notice of the head of such department, by R. S. secs. 187, 364, *post*, secs. 1388, 1389.

The Attorney General, or his assistants under his direction, were required to appear for the defense and protection of the United States in cases transmitted to the Court of Claims, by Act March 3, 1911, ch. 231, sec. 185, *post*, sec. 1405.

Expenditure upon any site or land purchased by the United States for the purpose of erecting thereon any public building until the written opinion of the Attorney General shall be had in favor of the validity of the title, was forbidden, and district attorneys were required to furnish assistance or information in relation to such titles, by R. S. sec. 355, *post*, sec. 1311.

Sec. 924. (R. S. sec. 1753.) President to regulate admissions to the civil service.

The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as

may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

Act March 3, 1871, ch. 114, sec. 9, 16 Stat. 514.

The authority conferred upon the President by this section was not to be taken away by the Civil Service Act of January 16, 1883, ch. 27, except in so far as it was inconsistent with said act, by a provision of section 7 thereof, *post*, sec. 931.

Sec. 925. (R. S. sec. 1754.) Preference for appointments to persons disabled in military or naval service.

Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Res. March 3, 1861, No. 27, sec. 1, 13 Stat. 571.

The preference conferred by this section was not taken away by the Civil Service Act of January 16, 1883, ch. 27, by a provision of section 7 thereof, *post*, sec. 931.

In making appointments to clerical and other positions in the executive departments, preference is to be given to honorably discharged soldiers, sailors, and marines and widows of such, and the wives of injured soldiers, sailors, and marines, by a provision of Act March 3, 1919, ch. 97, sec. 6, as amended by Act July 11, 1919, ch. 6, sec. 1, *post*, sec. 937.

The heads of departments in making reductions of their clerical forces were required to retain persons equally qualified who had been honorably discharged from the military or naval service and the widows and orphans of deceased soldiers and sailors, by a provision of Act August 15, 1876, ch. 287, sec. 3, *post*, sec. 963.

In the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record is rated good shall be discharged or dropped, or reduced in rank or salary, by a provision of Act August 23, 1912, ch. 350, sec. 4, *post*, sec. 969.

Sec. 926. (Act January 16, 1883, ch. 27, sec. 1.) Civil Service Commission; appointment.

That the President is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same party, as Civil Service Commissioners, and said three commissioners shall constitute the United States Civil Service Commission. Said commissioners shall hold no other official place under the United States. (22 Stat. 403.)

This section and the seven sections next following were part of an act entitled "An act to regulate and improve the civil service of the United States," cited above. A portion of section 1 of this act, omitted here, related to removals from, and filling vacancies in the Commission, and to salaries and traveling expenses of the commissioners. Section 4, omitted here, related to rooms and accommodations in Washington, D. C., and stationery, etc., for the Commission. Portions of section 6, omitted here, related to classification of clerks in the customs service and the postal service. Sections 11-15, prohibiting assessments, subscriptions, and contributions for political purposes, from officers, clerks, or employees, etc., of the United States, and making punishable violations of their provisions, were incorporated in the Criminal Code, Act March 4, 1909, ch. 321, as secs. 118-122 thereof, *post*, secs. 1093-1097, and were repealed by section 341 thereof.

This act superseded R. S. sec. 164, which read as follows:

"No clerk shall be appointed in any Department in either of the four classes above designated, until he has been examined and found qualified by a board of three examiners, to consist of the chief of the Bureau or office into which such clerk is to be appointed and two other clerks to be selected by the head of the Department."

Sec. 927. (Act January 16, 1883, ch. 27, sec. 2.) Duties of civil service commissioners.

That it shall be the duty of said commissioners:

(1) Preparation of rules.

FIRST. To aid the President, as he may request, in preparing suitable rules for carrying this act into effect, and when said rules shall have been promulgated it shall be the duty of all officers of the United States in the departments and offices to which any such rules may relate to aid, in all proper ways, in carrying said rules, and any modifications thereof, into effect.

(2) Provisions of rules.

SECOND. And, among other things, said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

1. Competitive examinations.

First, for open, competitive examinations for testing the fitness of applicants for the public service now classified or to be classified hereunder. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

2. Selections according to results of examinations.

Second, that all the offices, places, and employments so arranged or to be arranged in classes shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations.

3. Apportionment of appointments among States, etc.; applications for examinations.

Third, appointments to the public service aforesaid in the departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census. Every application for an examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a resident of such place.

Applications for examination for appointment in the departmental service in the District of Columbia were required to be accompanied by a certificate of the residence of the applicant, by a provision of Act July 11, 1880, ch. 667, sec. 1, *post*, sec. 935.

Applications for appointment were required to be accompanied by a certificate of health, by provisions of Act of March 3, 1919, ch. 97, sec. 7, *post*, sec. 936.

4. Probation before absolute appointment.

Fourth, that there shall be a period of probation before any absolute appointment or employment aforesaid.

5. Contributions for political purposes.

Fifth, that no person in the public service is for that reason under any obligations to contribute to any political fund, or to render any political service, and that he will not be removed or otherwise prejudiced for refusing to do so.

Assessments, subscriptions, and contributions for political purposes were prohibited by sections 11-15 of this act, which were incorporated into the Criminal Code, Act March 4, 1909, ch. 321, secs. 118-121, *post*, secs. 1093-1097.

Executive officers and employees, not appointed by the President with the advice and consent of the Senate, were prohibited from soliciting, receiving, or making political contributions from or to each other, by Act August 15, 1876, ch. 287, sec. 6, *post*, sec. 1087.

6. Political coercion.

Sixth, that no person in said service has any right to use his official authority or influence to coerce the political action of any person or body.

7. Noncompetitive examinations in certain cases.

Seventh, there shall be non-competitive examinations in all proper cases before the commission, when competent persons do not compete, after notice has been given of the existence of the vacancy, under such rules as may be prescribed by the commissioners as to the manner of giving notice.

8. Notice of appointments, rejections, transfers, resignations, and removals; exceptions to be set forth with rules.

Eighth, that notice shall be given in writing by the appointing power to said commission of the persons selected for appointment or employment from among those who have been examined, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations, and removals, and of the date thereof, and a record of the same shall be kept by said commission. And any necessary exceptions from said eight fundamental provisions of the rules shall be set forth in connection with such rules, and the reasons therefor shall be stated in the annual reports of the commission.

(3) Regulations for examinations, and records.

THIRD. Said commission shall, subject to the rules that may be made by the President, make regulations for, and have control of, such examinations, and, through its members or the examiners, it shall supervise and preserve the records of the same; and said commission shall keep minutes of its own proceedings.

(4) Investigations and reports on execution of act.

FOURTH. Said commission may make investigations concerning the facts, and may report upon all matters touching the enforcement and effects of said rules and regulations, and concerning the action of any examiner or board of examiners hereinafter provided for, and its own

subordinates, and those in the public service, in respect to the execution of this act.

(5) Annual reports of Commission.

FIFTH. Said commission shall make an annual report to the President for transmission to Congress, showing its own action, the rules and regulations and the exceptions thereto in force, the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. (22 Stat. 403.)

Sec. 928. (Act January 16, 1883, ch. 27, sec. 3.) Chief examiner; secretary; boards of examiners; times and places for examinations.

That said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their proceedings, which shall be at all times open to him. * * * The commission shall have a secretary, to be appointed by the President, * * *. The commission shall, at Washington, and in one or more places in each State and Territory where examinations are to take place, designate and select a suitable number of persons, not less than three, in the official service of the United States, residing in said State or Territory, after consulting the head of the department or office in which such persons serve, to be members of boards of examiners, and may at any time substitute any other person in said service living in such State or Territory in the place of any one so selected. Such boards of examiners shall be so located as to make it reasonably convenient and inexpensive for applicants to attend before them; and where there are persons to be examined in any State or Territory, examinations shall be held therein at least twice in each year. It shall be the duty of the collector, postmaster, and other officers of the United States, at any place outside of the District of Columbia where examinations are directed by the President or by said board to be held, to allow the reasonable use of the public buildings for holding such examinations, and in all proper ways to facilitate the same. (22 Stat. 404.)

Portions of this section, omitted here, related to the salaries of the chief examiner and the secretary of the commission, and the employment and compensation of a stenographer and a messenger.

Appropriations for the Civil Service Commission for recent fiscal years were accompanied by a proviso against the detail of clerks or other employees from the executive departments, etc., in Washington, D. C., to the Commission, for the performance of duty in the District of Columbia, for or during the fiscal year; the provision for the fiscal year 1922, Act March 3, 1921, ch. 124, sec. 1, is set forth, *post*, sec. 996.

Sec. 929. (Act January 16, 1883, ch. 27, sec. 5.) Violation of duties, etc., by commissioners, examiners, etc.

That any said commissioner, examiner, copyist, or messenger, or any person in the public service who shall willfully and corruptly, by himself or in co-operation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or who shall willfully and corruptly

make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not less than ten days, nor more than one year, or by both such fine and imprisonment. (22 Stat. 405.)

Sec. 930. (Act January 16, 1883, ch. 27, sec. 6.) Revision of classification, and inclusion, by heads of departments, of places, clerks, etc., not before classified.

Third. That from time to time said Secretary [of the Treasury], the Postmaster-General, and each of the heads of departments mentioned in the one hundred and fifty-eighth section of the Revised Statutes, and each head of an office, shall, on the direction of the President, and for facilitating the execution of this act, respectively revise any then existing classification or arrangement of those in their respective departments and offices, and shall, for the purposes of the examination herein provided for, include in one or more of such classes, so far as practicable, subordinate places, clerks, and officers in the public service pertaining to their respective departments not before classified for examination. (22 Stat. 406.)

The first and second subdivisions of this section, omitted here, related to the classification, respectively, of clerks and employees in customs districts under the Treasury Department and of clerks and employees of the postal service under the Post Office Department.

The departments mentioned in R. S. sec. 158, referred to in this paragraph, were the Departments of State, of War, of the Treasury, of Justice, the Post Office Department, and the Departments of the Navy and of the Interior. The Department of Agriculture was included by amendment of the section by Act February 9, 1889, ch. 122, sec. 1, *ante*, sec. 2.

Sec. 931. (Act January 16, 1883, ch. 27, sec. 7.) Appointments and promotions in classified service to be made only upon examination; officers and persons not required to be classified.

That after the expiration of six months from the passage of this act no officer or clerk shall be appointed, and no person shall be employed to enter or be promoted in either of the said classes now existing, or that may be arranged hereunder pursuant to said rules, until he has passed an examination, or is shown to be specially exempted from such examination in conformity herewith. But nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes, nor to take from the President any authority not inconsistent with this act conferred by the seventeen hundred and fifty-third section of said statutes; nor shall any officer not in the executive branch of the government, or any person merely employed as a laborer or workman, be required to be classified hereunder; nor, unless by the direction of the Senate, shall any person who has been nominated for confirmation by the Senate be required to be classified or to pass an examination. (22 Stat. 406.)

This section superseded R. S. sec. 164, which read as follows:

"No clerk shall be appointed in any department in either of the four classes above designated, until he has been examined and found qualified by a board of three examiners, to consist of the chief of the Bureau or office in which such clerk is to be appointed and two other clerks to be selected by the head of the Department.

R. S. secs. 1753 and 1754, referred to in this setcoin, are set forth, *ante*, 924, 925.

The classified laborers of the Department of Agriculture whose positions were transferred from the lump fund to the statutory rolls, and who were placed in the classified service by Act March 3, 1905, ch. 1405, *ante*, sec. 16, were made eligible to promotion without further examination by Act June 30, 1906, ch. 3913, *ante*, sec. 17.

Sec. 932. (Act January 16, 1883, ch. 27, sec. 8.) Persons habitually using intoxicants to excess not to be appointed or retained.

That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, any office, appointment, or employment to which the provisions of this act are applicable. (22 Stat. 406.)

Sec. 933. (Act January 16, 1883, ch. 27, sec. 9.) Restriction on appointments of members of same family.

That whenever there are already two or more members of a family in the public service in the grades covered by this act, no other member of such family shall be eligible to appointment to any of said grades. (22 Stat. 406.)

Subsequent provisions that no more than one person be appointed from the same family were made by Act July 2, 1909, ch. 2, sec. 7, 37 Stat. 3, and Act March 3, 1919, ch. 207, sec. 7. See sec. 936, *post*.

Sec. 934. (Act January 16, 1883, ch. 27, sec. 10.) Recommendations by Senators or Representatives, except as to character, not to be considered in examinations or appointments.

That no recommendation of any person who shall apply for office or place under the provisions of this act which may be given by any Senator or member of the House of Representatives, except as to the character or residence of the applicant, shall be received or considered by any person concerned in making any examination or appointment under this act. (22 Stat. 406.)

Sec. 935. (Act July 11, 1890, ch. 667, sec. 1.) Applications for examinations to be accompanied by a certificate of residence.

That hereafter every application for examination before the Civil Service Commission for appointment in the Departmental service in the District of Columbia, shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, an actual and bona-fide resident of said county, and had been such resident for a period of not less than six months next preceding; but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government. (26 Stat. 235.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1891, cited above.

A previous provision for a certificate of residence of applicants was made by Act January 16, 1883, ch. 27, sec. 2, subsec. 2, subd. 3, *ante*, sec. 927.

Examinations are to be had in the State or Territory in which the applicant resides and an actual domicile in such State or Territory for at

least one year previous to such examination is required by a provision of Act March 3, 1919, ch. 297, sec. 7, *post*, sec. 936, which superseded a similar provision of Act July 2, 1909, ch. 2, sec. 7, 36 Stat. 3.

Sec. 936. (Act March 3, 1919, ch. 97, sec. 7.) Examinations for Government positions to be in State, etc., of applicant's domicile; elsewhere for applicants temporarily absent; existing law of apportionment and legal residence unabridged; appointment of persons afflicted with tuberculosis forbidden; appointment of more than one from same family forbidden.

That hereafter all examinations of applicants for positions in the Government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination: *Provided further*, That the Civil Service Commission shall hold examinations of applicants temporarily absent from the places of their legal residence or domicile in the District of Columbia and elsewhere in the United States where examinations are usually held, upon proof satisfactory to the commission that such applicants are bona fide residents of the States or Territories in which such applicants claim to have legal residence or domicile: *Provided further*, That nothing herein shall be so construed as to abridge the existing law of apportionment or change the requirements of existing law as to legal residence or domicile of such applicants: *And provided further*, That no person afflicted with tuberculosis shall be appointed and that each applicant for appointment shall accompany his or her application with a certificate of health from some reputable physician: *And provided further*, That in no instance shall more than one person be appointed from the same family. (40 Stat. 1293.)

These provisions were a part of section 7 of an act to provide for the Fourteenth and subsequent censuses, cited above. Section 34 of this act repealed Act July 2, 1909, ch. 2, sec. 7, 36 Stat. 3, which contained provisions similar to those of this section.

Sec. 937. (Act March 3, 1919, ch. 97, sec. 6, as amended by Act July 11, 1919, ch. 6, sec. 1.) Preference to honorably discharged soldiers, sailors, and marines and their widows in appointments in departments, etc.

That hereafter in making appointments to clerical and other positions in the Executive branch of the Government in the District of Columbia or elsewhere preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such and to the wives of injured soldiers, sailors, and marines who themselves are not qualified, but whose wives are qualified to hold such positions. (40 Stat. 1293; 41 Stat. 37.)

This was a provision of the act to provide for the Fourteenth and subsequent decennial censuses, cited above, as amended by a provision of the Deficiencies Appropriation Act for 1919, also cited above.

Persons honorably discharged from the military or naval service by reason of disability from wounds or sickness incurred in line of duty, are to be preferred for appointments to civil offices, provided they possess the business capacity necessary for the proper discharge of the duties thereof, by R. S. sec. 1754, *ante*, section 925.

Heads of departments, in making reductions of their clerical forces, were required to retain persons equally qualified who have been honorably discharged from the military or naval service, and the widows and orphans of deceased soldiers and sailors, by a provision of Act August 15, 1876, ch. 287, sec. 3, *post*, sec. 965.

Sec. 938. (Act March 22, 1882, ch. 47, sec. 8.) Bigamists, etc. ineligible for office.

That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States. (22 Stat. 31.)

This was a provision of an act entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States in reference to bigamy, and for other purposes," cited above.

Sec. 938a. (Act March 4, 1923, ch. 265, sec. 1.) Citation of act.

That this Act may be cited as "The Classification Act of 1923." (42 Stat. 1488.)

This section and the thirteen sections next following were an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," cited above.

Sec. 938b. (Act March 4, 1923, ch. 265, sec. 2.) Definitions.

That the term "compensation schedules" means the schedules of positions, grades, and salaries, as contained in section 13 of this Act.

The term "department" means an executive department of the United States Government, a governmental establishment in the executive branch of the United States Government which is not a part of an executive department, the municipal government of the District of Columbia, the Botanic Garden, Library of Congress, Library Building and Grounds, Government Printing Office, and the Smithsonian Institution.

The term "the head of the department" means the officer or group of officers in the department who are not subordinate or responsible to any other officer of the department.

The term "board" means the Personnel Classification Board established by section 3 hereof.

The term "position" means a specific civilian office or employment, whether occupied or vacant, in a department other than the following: Offices or employments in the Post Service; teachers, librarians, school attendance officers, and employees of the community center department under the Board of Education of the District of Columbia; officers and members of the Metropolitan police, the fire department of the District of Columbia, and the United States park police; and the commissioned personnel of the Coast Guard, the Public Health Service, and the Coast and Geodetic Survey.

The term "employee" means any person temporarily or permanently in a position.

The term "service" means the broadest division of related offices and employments.

The term "grade" means a subdivision of a service, including one or more positions for which approximately the same basic qualifications and compensation are prescribed, the distinction between grades

being based upon differences in the importance, difficulty, responsibility, and value of the work.

The term "class" means a group of positions to be established under this Act sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education, experience, knowledge, and ability are demanded of incumbents, the same tests of fitness are used to choose qualified appointees, and the same schedule of compensation is made to apply with equity.

The term "compensation" means any salary, wage, fee, allowance, or other emolument paid to an employee for service in a position. (42 Stat. 1488.)

Sec. 938c. (Act March 4, 1923, ch. 265, sec. 3.) Personnel Classification Board; creation and composition; details from departments for temporary service; regulations for grades of positions; statement of duties, qualifications, and titles of classes; additional classes and alteration of existing classes; departments to report duties and responsibilities of new positions.

That there is hereby established an ex officio board, to be known as the Personnel Classification Board, to consist of the Director of the Bureau of the Budget or an alternate from that Bureau designated by the Director, a member of the Civil Service Commission, or an alternate from that commission designated by the commission, and the Chief of the United States Bureau of Efficiency or an alternate from that bureau designated by the chief of the bureau. The Director of the Bureau of the Budget or his alternate shall be chairman of the board.

Subject to the approval of the President, the heads of the departments shall detail to the board, at its request, for temporary service under its direction, officers or employees possessed of special knowledge, ability, or experience required in the classification and allocation of positions. The Civil Service Commission, the Bureau of the Budget, and the Bureau of Efficiency shall render the board such cooperation and assistance as the board may require for the performance of its duties under this Act.

The board shall make all necessary rules and regulations not inconsistent with the provisions of this Act and provide such subdivisions of the grades contained in section 13 hereof and such titles and definitions as it may deem necessary according to the kind and difficulty of the work. Its regulations shall provide for ascertaining and recording the duties of positions and the qualifications required of incumbents, and it shall prepare and publish an adequate statement giving (1) the duties and responsibilities involved in the classes to be established within the several grades, illustrated where necessary by examples of typical tasks, (2) the minimum qualifications required for the satisfactory performance of such duties and tasks, and (3) the titles given to said classes. In performing the foregoing duties, the board shall follow as nearly as practicable the classification made pursuant to the Executive order of October 24, 1921. The board may from time to time designate additional classes within the several grades and may combine, divide, alter, or abolish existing classes. Department heads shall promptly report the duties and responsibilities of new positions to the board. The board shall

make necessary adjustments in compensation for positions carrying maintenance and for positions requiring only part-time service. (42 Stat. 1489.)

Sec. 938d. (Act March 4, 1923, ch. 265, sec. 4.) Allocation of positions to appropriate grades, by heads of departments; review by board; compensation of positions not allocable to service grades; equal compensation irrespective of sex.

That after consultation with the board, and in accordance with a uniform procedure prescribed by it, the head of each department shall allocate all positions in his department in the District of Columbia to their appropriate grades in the compensation schedules and shall fix the rate of compensation of each employee thereunder, in accordance with the rules prescribed in section 6 herein. Such allocations shall be reviewed and may be revised by the board and shall become final upon their approval by said board. Whenever an existing position or a position hereafter created by law shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the board shall adopt for such position the range of compensation prescribed for a grade, or a class thereof, comparable therewith as to qualifications and duties.

In determining the rate of compensation which an employee shall receive, the principle of equal compensation for equal work irrespective of sex shall be followed. (40 Stat. 1489.)

Sec. 938e. (Act March 4, 1923, ch. 265, sec. 5.) Compensation schedules to apply only to civilian employees within District of Columbia; employees excluded; survey of field services by board and report of schedules therefor; lists allocating field positions by heads of departments.

That the compensation schedules shall apply only to civilian employees in the departments within the District of Columbia and shall not apply to employees in positions the duties of which are to perform or assist in apprentice, helper, or journeyman work in a recognized trade or craft and skilled and semiskilled laborers, except such as are under the direction and control of the custodian of a public building or perform work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character. The board shall make a survey of the field services and shall report to Congress at its first regular session following the passage of this Act schedules of positions, grades, and salaries for such services, which shall follow the principles and rules of the compensation schedules herein contained in so far as these are applicable to the field services. This report shall include a list prepared by the head of each department, after consultation with the board and in accordance with a uniform procedure prescribed by it, allocating all field positions in his department to their approximate grades in said schedules and fixing the proposed rate of compensation of each employee thereunder in accordance with the rules prescribed in section 6 herein. (42 Stat. 1489.)

Sec. 938f. (Act March 4, 1923, ch. 265, sec. 6.) Rules for determining initial compensation of employees.

That in determining the compensation to be established initially for the several employees the following rules shall govern:

1. In computing the existing compensation of an employee, any bonus which the employee receives shall be included.

2. If the employee is receiving compensation less than the minimum rate of the grade or class thereof in which his duties fall, the compensation shall be increased to that minimum rate.

3. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made in the existing compensation.

4. If the employee is receiving compensation within the range of salary prescribed for the appropriate grade, but not at one of the rates fixed therein, the compensation shall be increased to the next higher rate.

5. If the employee is not a veteran of the Civil War, or a widow of such veteran, and is receiving compensation in excess of the range of salary prescribed for the appropriate grade, the compensation shall be reduced to the rate within the grade nearest the present compensation.

6. All new appointments shall be made at the minimum rate of the appropriate grade or class thereof. (42 Stat. 1490.)

Sec. 933g. (Act March 4, 1923, ch. 265, sec. 7.) Increases in compensation to next higher rate of grade based on efficiency ratings; increase without appropriation from which it can be paid, or beyond maximum rate for grade, prohibited; promotion to vacant position in higher class.

Increases in compensation shall be allowed upon the attainment and maintenance of the appropriate efficiency ratings, to the next higher rate within the salary range of the grade: *Provided, however,* That in no case shall the compensation of any employee be increased unless Congress has appropriated money from which the increase may lawfully be paid, nor shall the rate for any employee be increased beyond the maximum rate for the grade to which his position is allocated. Nothing herein contained shall be construed to prevent the promotion of an employee from one class to a vacant position in a higher class at any time in accordance with civil service rules, and when so promoted the employee shall receive compensation according to the schedule established for the class to which he is promoted. (42 Stat. 1490.)

Sec. 933h. (Act March 4, 1923, ch. 265, sec. 8.) Preferences to honorably discharged soldiers, sailors, or marines not affected.

That nothing in this Act shall modify or repeal any existing preference in appointment or reduction in the service of honorably discharged soldiers, sailors, or marines under any existing law or any Executive order now in force. (42 Stat. 1490.)

See notes to sec. 937, *ante*.

Sec. 933i. (Act March 4, 1923, ch. 265, sec. 9.) Review and revision by board of established efficiency rating systems as basis for increase in compensation, continuance at existing rate thereof, increase therein, and dismissal; rating of employees by heads of departments in accordance with efficiency systems; inspection of current ratings by board and by employees; reductions in compensation and dismissals; reductions and dismissals subject to approval of board; filing copy of current ratings with board.

That the board shall review and may revise uniform systems of efficiency rating established or to be established for the various grades

or classes thereof, which shall set forth the degree of efficiency which shall constitute ground for (a) increase in the rate of compensation for employees who have not attained the maximum rate of the class to which their positions are allocated, (b) continuance at the existing rate of compensation without increase or decrease, (c) decrease in the rate of compensation for employees who at the time are above the minimum rate for the class to which their positions are allocated, and (d) dismissal.

The head of each department shall rate in accordance with such systems the efficiency of each employee under his control or direction. The current ratings for each grade or class thereof shall be open to inspection by the representatives of the board and by the employees of the department under conditions to be determined by the board after consultation with the department heads.

Reductions in compensation and dismissals for inefficiency shall be made by heads of departments in all cases whenever the efficiency ratings warrant, as provided herein, subject to the approval of the board.

The board may require that one copy of such current ratings shall be transmitted to and kept on file with the board. (42 Stat. 1490.)

Sec. 938j. (Act March 4, 1923, ch. 265, sec. 10.) Transfer to same or higher grades in another department, etc., allowed; transfer to or from government of District of Columbia excepted.

That, subject to such rules and regulations as the President may from time to time prescribe, and regardless of the department or independent establishment in which the position is located, an employee may be transferred from a position in one grade to a vacant position within the same grade at the same rate of compensation, or promoted to a vacant position in a higher grade at a higher rate of compensation, in accordance with civil service rules, any provision of existing statutes to the contrary notwithstanding: *Provided*, That nothing herein shall be construed to authorize or permit the transfer of an employee of the United States to a position under the municipal government of the District of Columbia, or an employee of the municipal government of the District of Columbia to a position under the United States. (42 Stat. 1491.)

Sec. 938k. (Act March 4, 1923, ch. 265, sec. 11.) Temporary appointments not made permanent by act.

That nothing contained in this Act shall be construed to make permanent any temporary appointments under existing law. (42 Stat. 1491.)

Sec. 938l. (Act March 4, 1923, ch. 265, sec. 12.) Board to study rates of compensation with view to readjustment; report of conclusions to Congress.

That it shall be the duty of the board to make a study of the rates of compensation provided in this Act for the various services and grades with a view to any readjustment deemed by said board to be just and reasonable. Said board shall after such study and at such subsequent times as it may deem necessary, report its conclusions to Congress with any recommendations it may deem advisable. (42 Stat. 1491.)

Sec. 938m. (Act March 4, 1923, ch. 265, sec. 13.) Compensation schedules; classes of positions, duties, grades, and rates of compensation; professional and scientific service; subprofessional service; clerical, administrative, and fiscal service; custodial service; clerical-mechanical service.

That the compensation schedules be as follows:

PROFESSIONAL AND SCIENTIFIC SERVICE.

The professional and scientific service shall include all classes of positions the duties of which are to perform routine, advisory, administrative, or research work which is based upon the established principles of a profession or science, and which requires professional, scientific, or technical training equivalent to that represented by graduation from a college or university of recognized standing.

Grade one, in this service, which may be referred to as the junior professional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, simple and elementary work requiring professional, scientific, or technical training as herein specified, but little or no experience.

The annual rates of compensation for positions in this grade shall be \$1,860, \$1,920, \$2,000, \$2,100, \$2,200, \$2,300, and \$2,400.

Grade two, in this service, which may be referred to as the assistant professional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, individual or with a small number of subordinates, work requiring professional, scientific, or technical training as herein specified, previous experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, \$2,900, and \$3,000.

Grade three, in this service, which may be referred to as the associate professional grade, shall include all classes of position the duties of which are to perform, individually or with a small number of trained assistants, under general supervision but with considerable latitude for the exercise of independent judgment, responsible work requiring extended professional, scientific, or technical training and considerable previous experience.

The annual rates of compensation for positions in this grade shall be \$3,000, \$3,100, \$3,200, \$3,300, \$3,400, \$3,500, and \$3,600.

Grade four, in this service, which may be referred to as the full professional grade, shall include all classes of positions the duties of which are to perform, under general administrative supervision, important specialized work requiring extended professional, scientific, or technical training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or for the administration of a small scientific or technical organization.

The annual rates of compensation for positions in this grade shall be \$3,800, \$4,000, \$4,200, \$4,400, \$4,600, \$4,800, and \$5,000, unless a higher rate is specifically authorized by law.

Grade five in this service, which may be referred to as the senior professional grade, shall include all classes of positions the duties

of which are to act as assistant head of a large professional or scientific organization, or to act as administrative head of a major subdivision of such an organization, or to act as head of a small professional or scientific organization, or to serve as consulting specialist, or independently to plan, organize, and conduct investigations in original research or development work in a professional, scientific, or technical field.

The annual rates of compensation for positions in this grade shall be \$5,200, \$5,400, \$5,600, \$5,800, and \$6,000, unless a higher rate is specifically authorized by law.

Grade six in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of which are to act as the scientific and administrative head of a major professional or scientific bureau, or as professional consultant to a department head or a commission or board dealing with professional, scientific, or technical problems.

The annual rates of compensation for positions in this grade shall be \$6,000, \$6,500, \$7,000, and \$7,500, unless a higher rate is specifically authorized by law.

Grade seven in this service, which may be referred to as the special professional grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade six.

The annual rate of compensation for positions in this grade shall be \$7,500, unless a higher rate is specifically authorized by law.

SUBPROFESSIONAL SERVICE.

The subprofessional service shall include all classes of positions the duties of which are to perform work which is incident, subordinate, or preparatory to the work required of employees holding positions in the professional and scientific service, and which requires or involves professional, scientific, or technical training of any degree inferior to that represented by graduation from a college or university of recognized standing.

Grade one in this service, which may be referred to as the minor subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine work in a professional, scientific, or technical organization.

The annual rates of compensation for positions in this grade shall be \$900, \$960, \$1,020, \$1,080, \$1,140, \$1,200, and \$1,260.

Grade two, in this service, which may be referred to as the under-subprofessional grade shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned subordinate work of a professional, scientific, or technical character, requiring limited training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,140, \$1,200, \$1,260, \$1,320, \$1,380, \$1,440, and \$1,500.

Grade three, in this service, which may be referred to as the junior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate

work of a professional, scientific, or technical character, requiring considerable training or experience, but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, \$1,620, and \$1,680.

Grade four in this service which may be referred to as the assistant subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, subordinate work of a professional, scientific, or technical character requiring considerable training or experience, and, to a limited extent, the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, \$1,800, and \$1,860.

Grade five in this service, which may be referred to as the main subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate work of a professional, scientific, or technical character requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees performing duties of an inferior grade in the subprofessional service.

The annual rates of compensation for positions in this grade shall be \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, \$1,980, and \$2,040.

Grade six in this service, which may be referred to as the senior subprofessional grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough knowledge of a limited field of professional, scientific, or technical work, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade five of this service.

The annual rates of compensation for positions in this grade shall be \$1,860, \$1,920, \$2,000, \$2,100, \$2,200, \$2,300, and \$2,400.

Grade seven in this service, which may be referred to as the principal subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character requiring a working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade six of this service.

The annual rates of compensation for positions in this grade shall be \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, \$2,600, and \$2,700.

Grade eight in this service, which may be referred to as the chief subprofessional grade, shall include all classes of positions the duties of which are to perform, under general supervision, subordinate but difficult and responsible work of a professional, scientific, or technical character, requiring a thorough working knowledge of the principles of the profession, art, or science involved, and the exercise of independent judgment, or to supervise the work of a small number of employees holding positions in grade seven of this service.

The annual rates of compensation for positions in this grade shall be \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, \$2,900, and \$3,000.

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE.

The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

Grade one in this service, which may be referred to as the under clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, the simplest routine office work.

The annual rates of compensation for positions in this grade shall be \$1,140, \$1,200, \$1,260, \$1,320, \$1,380, \$1,440, and \$1,500.

Grade two, in the service, which may be referred to as the junior clerical grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, assigned office work requiring training or experience but not the exercise of independent judgment.

The annual rates of compensation for positions in this grade shall be \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, \$1,620, and \$1,680.

Grade three in this service, which may be referred to as the assistant clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, assigned office work requiring training and experience and knowledge of a specialized subject matter or the exercise of independent judgment or to supervise a small section performing simple clerical operations.

The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, \$1,800, and \$1,860.

Grade four, in this service, which may be referred to as the main clerical grade, shall include all classes of positions the duties of which are to perform, under immediate or general supervision, responsible office work requiring training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and an acquaintance with office procedure and practice, or to supervise a small stenographic section or a small section performing clerical operations of corresponding difficulty.

The annual rates of compensation for positions in this grade shall be \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, \$1,980, and \$2,040.

Grade five, in this service, which may be referred to as the senior clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work requiring considerable training and experience, the exercise of independent judgment or knowledge of a specialized subject matter or both, and a thorough knowledge of office procedure and practice, or to supervise a large stenographic section or any large section performing simple clerical operations or to supervise a small section engaged in difficult but routine office work.

The annual rates of compensation for positions in this grade shall be \$1,860, \$1,920, \$2,000, \$2,100, \$2,200, \$2,300, and \$2,400.

Grade six in this service, which may be referred to as the principal clerical grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally

difficult and responsible office work, requiring extended training and experience, the exercises of independent judgment or knowledge of a specialized and complex subject matter, or both, and a thorough knowledge of office procedure and practice, or to serve as the recognized authority or adviser in matters requiring long experience and an exceptional knowledge of the most difficult and complicated procedure or of a very difficult and complex subject, or to supervise a large or important office organization engaged in difficult or varied work.

The annual rates of compensation for positions in this grade shall be \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, \$2,600, and \$2,700.

Grade seven in this service, which may be referred to as the assistant administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or as chief clerk to supervise the general business operations of a small independent establishment or a minor bureau or division of an executive department, or to supervise a large or important office organization engaged in difficult and specialized work.

The annual rates of compensation for positions in this grade shall be \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, \$2,900, and \$3,000.

Grade eight in this service, which may be referred to as the associate administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, difficult and responsible office work along specialized and technical lines, requiring specialized training and experience and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving specialized training on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, \$3,200, and \$3,300.

Grade nine in this service, which may be referred to as the full administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, exceptionally difficult and responsible office work along specialized and technical lines, requiring considerable specialized training and experience and the exercise of independent judgment, or as chief clerk, to supervise the general business operations of a large independent establishment or a major bureau or division of an executive department, or to supervise a large or important office organization engaged in work involving technical training on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$3,000, \$3,100, \$3,200, \$3,300, \$3,400, \$3,500, and \$3,600.

Grade ten in this service, which may be referred to as the senior administrative grade, shall include all classes of positions the duties of which are to perform, under general supervision, the most difficult and responsible office work along specialized and technical lines, requiring extended training, considerable experience, and the exercise of independent judgment, or to supervise a large or important office organization engaged in work involving considerable technical training and experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$3,300, \$3,400, \$3,500, \$3,600, \$3,700, \$3,800, and \$3,900.

Grade eleven, in this service, which may be referred to as the assistant chief administrative grade, shall include all classes of positions the duties of which are to perform the most difficult and responsible office work along specialized and technical lines, requiring extended training and experience, the exercise of independent judgment, and the assumption of responsibility for results, or to supervise the general business operations of an executive department, or to supervise a large and important office organization engaged in work involving extended training and considerable experience on the part of the employees.

The annual rates of compensation for positions in this grade shall be \$3,800, \$4,000, \$4,200, \$4,400, \$4,600, \$4,800, and \$5,000, unless a higher rate is specifically authorized by law.

Grade twelve in this service, which may be referred to as the chief administrative grade, shall include all classes of positions the duties of which are to supervise the design and installation of office systems, methods and procedures, or to be head of a small bureau in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$5,200, \$5,400, \$5,600, \$5,800, and \$6,000, unless a higher rate is specifically authorized by law.

Grade thirteen, in this service, which may be referred to as the executive grade, shall include all classes of positions the duties of which are to supervise the design of systems of accounts for use by private corporations subject to regulation by the United States, or to act as the technical consultant to a department head or a commission or board in connection with technical or fiscal matters, or to act as chief of a large bureau or a bureau having important administrative or investigative functions in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be \$6,000, \$6,500, \$7,000, and \$7,500, unless a higher rate is specifically authorized by law.

Grade fourteen in this service, which may be referred to as the special executive grade, shall include all classes of positions the duties and requirements of which are more responsible and exacting than those described in grade 13.

The annual rate of compensation for positions in this grade shall be \$7,500, unless a higher rate is specifically authorized by law.

CUSTODIAL SERVICE.

The custodial service shall include all classes of positions the duties of which are to supervise or to perform manual work involved in the custody, maintenance, and protection of public buildings, premises, and equipment, the transportation of public officers, employees or property, and the transmission of official papers.

Grade one, in this service, which may be referred to as the junior messenger grade, shall include all classes of positions the duties of which are to run errands, to check parcels, or to perform other light manual or mechanical tasks with little or no responsibility.

The annual rates of compensation for positions in this grade shall be \$600, \$630, \$660, \$690, \$720, \$750, and \$780.

Grade two, in this service, which may be referred to as the office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$780, \$840, \$900, \$960, \$1,020, \$1,080, and \$1,140: *Provided*, That charwomen working part time be paid at the rate of 40 cents an hour and head charwomen at the rate of 45 cents an hour.

Grade three, in this service, which may be referred to as the minor custodial grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, custodial or manual office work with some degree of responsibility, such as guarding office or storage buildings; operating paper-cutting, canceling, envelope-opening, or envelope-sealing machines; firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus; operating passenger or freight automobiles; packing goods for shipment; supervising a large group of charwomen; running errands and doing light manual or mechanical tasks with some responsibility; carrying important documents from one office to another; or attending the door and private office of a department head or other public officer.

The annual rates of compensation for positions in this grade shall be \$900, \$960, \$1,020, \$1,080, \$1,140, \$1,200, and \$1,260.

Grade four in this service, which may be referred to as the under custodial grade, shall include all classes of positions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as supervising a small force of unskilled laborers; directly supervising a small detachment of watchmen or building guards; firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes; or performing general semimechanical new or repair work requiring some skill with hand tools.

The annual rates of compensation for positions in this grade shall be \$1,140, \$1,200, \$1,260, \$1,320, \$1,380, \$1,440, and \$1,500.

Grade five in this service, which may be referred to as the junior custodial grade, shall include all classes of positions the duties of which are to have general supervision over a small force of watchmen or building guards, or to have direction of a considerable detachment of such employees; to supervise the operation and maintenance of a small heating plant and its auxiliary equipment; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, \$1,620, and \$1,680.

Grade six in this service, which may be referred to as the assistant custodial grade, shall include all classes of positions the duties of which are to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces; to supervise a large force of unskilled laborers; to repair office appliances; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, \$1,800, and \$1,860.

Grade seven in this service, which may be referred to as the main custodial grade, shall include all classes of positions the duties of which are to supervise the work of skilled mechanics; to supervise the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment; to have general supervision over large forces of watchmen and building guards; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, \$1,980, and \$2,040.

Grade eight in this service, which may be referred to as the senior custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a small building, or to assist in the direction of such employees when engaged in similar duties in a large building, or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$1,860, \$1,920, \$2,000, \$2,100, \$2,200, \$2,300, and \$2,400.

Grade nine in this service, which may be referred to as the principal custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a large building, or to assist in the direction of such employees when engaged in similar duties in a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, \$2,600, and \$2,700.

Grade ten in this service, which may be referred to as the chief custodial grade, shall include all classes of positions, the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a group of buildings; or to perform other custodial work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, \$2,900, and \$3,000. (42 Stat. 1491.)

The last schedule of this section, under the title "Clerical-Mechanical Service," and including only positions in the Government Printing Office, the Bureau of Printing and Engraving, and the Mail Equipment Shop, is omitted here.

Sec. 938n. (Act March 4, 1923, ch. 265, sec. 14.) Estimates at next session to conform to classification in Act; effective date of salary rates.

That the estimates of the expenditures and appropriations set forth in the Budget to be transmitted by the President to Congress on the first day of the next ensuing regular session shall conform to the classification herein provided, and that the rates of salary in the compensation schedules shall not become effective until the first day of the fiscal year estimated for in such Budget. (42 Stat. 1499.)

Sec. 939. (R. S. sec. 1757.) Oath of office.

Whenever any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Act July 11, 1868, ch. 139, 15 Stat. 85. Act February 15, 1871, ch. 53, 16 Stat. 412.

The oath was to be taken by any person appointed to any office of honor or profit in the civil service, except the President, by Act May 13, 1884, ch. 46, sec. 2, *post*, sec. 940.

The disability imposed by the provisions of the fourteenth amendment to the Constitution, referred to in this section, was removed by Act June 6, 1898, ch. 389, 30 Stat. 432.

The oath of allegiance, and to support the Constitution of the United States, was required of persons prosecuting claims before any of the departments or bureaus of the United States, by R. S. sec. 3478, *post*, sec. 1390.

Sec. 940. (Act May 13, 1884, ch. 46, sec. 2.) Form of oath of office.

That section seventeen hundred and fifty-six of the Revised Statutes be, and the same is hereby, repealed; and hereafter the oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States, shall be as prescribed in section seventeen hundred and fifty-seven of the Revised Statutes. But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular sub-ordinate offices and employments. (23 Stat. 22.)

This was a section of an act entitled "An act amending the Revised Statutes of the United States in respect of official oaths, and for other purposes," cited above.

R. S. sec. 1757, mentioned in this section, is set forth *ante*, sec. 939.

Sec. 941. (R. S. sec. 1758.) Who may administer oath.

The oath of office required by either of the two preceding sections may be taken before any officer who is authorized either by the laws of the United States, or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered.

Act August 6, 1861, ch. 64, sec. 2, 12 Stat. 326.

The two preceding sections of the Revised Statutes, referred to in this section, were R. S. secs. 1756, 1757. Section 1756 was repealed, and the oath prescribed by section 1757 was to be taken by any person elected or appointed to office, except the President, by Act May 13, 1884, ch. 46, sec. 2, *ante*, sec. 940.

Officers, clerks, or other employees of any executive departments who are also notaries public, or otherwise authorized to administer oaths, are not to charge or receive any fees for administering oaths of office to other employees, and the chief clerks of the several executive departments and

the various bureaus thereof in Washington were required, on application and without compensation therefor, to administer oaths of office to employees on their appointment or promotion, by provisions of Act August 29, 1890, ch. 820, sec. 1, *post*, sec. 942.

Sec. 942. (Act August 29, 1890, ch. 820, sec. 1.) Oaths of office to be administered without compensation; chief clerks of Departments, etc., to administer oaths of office without compensation.

And no officer, clerk, or employee of any executive department who is also a notary public or other officer authorized to administer oaths, shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion therein.

And the Chief Clerks of the several Executive Departments and of the various bureaus and offices thereof in Washington, District of Columbia, are hereby authorized and directed, on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion. (26 Stat. 371).

These were provisions, accompanying appropriations for the Auditors' Office of the Treasury Department, in an act making appropriations for additional clerical force, etc., cited above.

Administration of oaths to expense accounts against the United States, without compensation therefor, was provided for by Act August 24, 1912, ch. 355, sec. 8, *post*, sec. 1021.

Sec. 943. (R. S. sec. 1759.) Custody of oath of office.

The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six, or of section seventeen hundred and fifty-seven, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain.

Act July 2, 1862, ch. 128, 12 Stat. 502.

The words of this section, "of section seventeen hundred and fifty-six, or," were superseded by the repeal of said section and the further provision that oaths of office should be as prescribed by R. S. sec. 1757, *ante*, sec. 939, by Act May 13, 1884, ch. 46, sec. 2, *ante*, sec. 940.

Sec. 944. (R. S. sec. 162.) Hours of business for departments.

From the first day of October until the first day of April, in each year, all the Bureaus and offices in the State, War, Treasury, Navy, and Post-Office Departments, and in the General Land-Office, shall be open for the transaction of the public business at least eight hours in each day; and from the first day of April until the first day of October, in each year, at least ten hours in each day; except Sundays and days declared public holidays by law.

Act July 4, 1836, ch. 352, sec. 12, 5 Stat. 112. Act June 20, 1874, ch. 328, 18 Stat. 109.

The Department of Agriculture was made an executive department under a Secretary of Agriculture, R. S. sec. 158, was amended to include said department, and provisions of Title IV of the Revised Statutes, which includes R. S. sec. 162, was made applicable to said department by act February, 1889, ch. 122, sec. 1, *ante*, sec. 2.

Subsequent provisions making it the duty of the heads of the several executive departments to require of all clerks and other employees not less than seven hours labor each day except Sundays and public holidays, contained in Act March 3, 1883, ch. 128, sec. 4, were reenacted in Act March 3, 1893, ch. 211, sec. 5, which was amended by Act March 15, 1898, ch. 68, sec. 7, to read as set forth *post*, sec. 945.

Sec. 945. (Act March 3, 1893, ch. 211, sec. 5, as amended by Act March 15, 1898, ch. 68, sec. 7.) Hours of labor of clerks and other employees; extension thereof by special order; leaves of absence with pay to clerks and employees; additional leaves of absence on account of illness; pay to stop upon the expiration of granted leave; reports to be made to heads of departments as to condition of business in bureaus, etc.; extension of hours of service to bring up arrears; quarterly reports by heads of departments to President as to condition of business.

Hereafter it shall be the duty of the heads of the several Executive Departments, in the interest of the public service, to require of all clerks and other employees, of whatever grade or class, in their respective Departments, not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the Departments may, by special order, stating the reason, further extend the hours of any clerk or employee in their Departments, respectively; but in case of an extension it shall be without additional compensation: *Provided further*, That the head of any Department may grant thirty days' annual leave with pay in any one year to each clerk or employee: *And provided further*, That where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee, or where his or her presence in the Department would jeopardize the health of fellow-clerks, and in exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty days in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the head of the Department, with pay, not exceeding thirty days in any one case or in any one calendar year.

This section shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the Department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave.

Hereafter it shall be the duty of the head of each Executive Department to require monthly reports to be made to him as to the condition of the public business in the several bureaus or offices of his Department at Washington; and in each case where such reports disclose that the public business is in arrears, the head of the Department in which such arrears exist shall require, as provided herein, an extension of the hours of service to such clerks or employees as may be necessary to bring up such arrears of public business.

Hereafter it shall be the duty of the head of each Executive Department, or other Government establishment at the seat of government, not under an Executive Department, to make at the expiration of each quarter of the fiscal year a written report to the President as to the condition of the public business in his Executive Department or Government establishment, and whether any branch thereof is in arrears. (27 Stat. 715; 30 Stat. 316.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1894, cited above, as amended by provisions of the similar act for the fiscal year 1899, also cited above.

Provisions relating to hours of labor, etc., contained in the similar act for the fiscal year 1884, Act March 3, 1883, ch. 128, sec. 4, 22 Stat. 563, were

incorporated, in substance, in said Act March 3, 1893, ch. 211, as originally enacted. The amendment by said Act March 15, 1898, ch. 68, sec. 7, cited above, consisted in restricting the power given by the previous acts to heads of departments, "to extend or limit the hours of service," to authority to extend the hours only; in reducing the sick leave from the 60 days previously authorized to 30 days; and in adding provisions requiring reports as to the condition of business, and for bringing up arrears of business.

Nothing in this section is to be construed to prevent the granting of annual leave of absence to a clerk or employee who has had during the year leave on account of sickness, by a provision of Act July 7, 1898, ch. 571, sec. 1, *post*, sec. 946.

The thirty days' annual leave is exclusive of Sundays and legal holidays, by a provision of Act February 24, 1899, ch. 187, sec. 4, *post*, sec. 947.

Provisions for leave of absence, applicable to employees of the Department of Agriculture outside of Washington, were made by Act May 23, 1908, ch. 192, *ante*, sec. 25.

Provisions for leave of absence to employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, Guam, and the Virgin Island, made by Act June 30, 1914, ch. 131, and Act July 24, 1919, ch. 26, are set forth *ante*, secs. 27, 28; and a provision specifically applicable to employees of the Forest Service assigned to permanent duty in Alaska, made by Act March 4, 1913, ch. 145, is set forth *ante*, sec. 26.

The days made public holidays in the District of Columbia are enumerated by Act March 3, 1901, ch. 854, sec. 1389, as amended by Act June 30, 1902, ch. 1329, *post*, sec. 958.

Previous provisions for monthly reports by chief clerks as to defects in arrangement or dispatch of business, and for the amendment of such defects, were made by R. S. secs. 174, 175, *post*, secs. 967, 968.

Sec. 946. (Act July 7, 1898, ch. 571, sec. 1.) Annual leave of absence notwithstanding leave on account of sickness.

Nothing contained in section seven of the Act making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year eighteen hundred and ninety-nine, approved March fifteenth, eighteen hundred and ninety-eight, shall be construed to prevent the head of any Executive Department from granting thirty days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding thirty days' leave with pay on account of sickness as provided in said section seven. (30 Stat. 653.)

This was a provision of the deficiency appropriation act for the fiscal year 1898, cited above.

Section 7 of Act March 15, 1898, ch. 68, mentioned in this provision, amended Act March 3, 1893, ch. 211, sec. 5, to read as said section is set forth *ante*, sec. 945.

Sec. 947. (Act February 24, 1899, ch. 187, sec. 4.) Annual leave of absence exclusive of Sundays and legal holidays.

That the thirty days' annual leave of absence with pay in any one year to clerks and employees in the several Executive Departments authorized by existing law shall be exclusive of Sundays and legal holidays. (30 Stat. 890.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1900, cited above.

Provision for thirty days' annual leave of absence with pay, referred to in this provision, was by Act March 3, 1893, ch. 211, sec. 5, as amended by Act March 15, 1898, ch. 68, sec. 7, *ante*, sec. 945.

The days made public holidays in the District of Columbia were enumerated by Act March 3, 1901, ch. 854, sec. 1389, as amended by Act June 30, 1902, ch. 1329, *post*, sec. 958.

Sec. 948. (Act February 24, 1899, ch. 187, sec. 1.) Use of recording clocks prohibited in departments at Washington.

No money appropriated by this Act shall be used for expense of repairing recording clocks used for recording time of clerks or other employees in any of the Executive Departments at Washington, nor shall there hereafter be used in any of the Executive Departments at Washington, any such recording clocks. (30 Stat. 864.)

This was a paragraph of the legislative, executive, and judicial appropriation act for the fiscal year 1900, cited above.

A previous provision "That no recording clocks used for recording time of clerks or other employees shall be purchased for use in any of the Executive Departments in Washington, District of Columbia, except from moneys specially appropriated therefor," contained in Act July 7, 1898, ch. 571, sec. 1, 30 Stat. 655, was superseded by this provision.

Sec. 949. (Act March 1, 1889, ch. 328, sec. 49.) Leave of absence to government employees who are members of the National Guard, for parade or encampment.

That all officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act. (25 Stat. 779.)

This was a section of an act entitled "An act to provide for the organization of the militia of the District of Columbia" cited above.

This section section was construed as covering all days of service which the National Guard may be ordered to perform by the commanding general, by a provision of Act July 1, 1902, ch. 1352, sec. 1, *post*, sec. 950.

All officers and employees of the United States, who are members of the National Guard, are entitled to leave of absence without loss of pay, time, or efficiency rating on all days during which they shall be engaged in field or coast-defense training ordered or authorized under Act June 3, 1916, ch. 134, by section 80 thereof, *post*, sec. 951.

All officers and employees of the United States who are members of the Officers' Reserve Corps are entitled to leave of absence, without loss of pay, time, or efficiency rating on all days during which they shall be ordered to duty with troops or at field exercises, or for instruction, for periods not exceeding 15 days in any calendar year, by Act May 12, 1917, ch. 12, *post*, sec. 955.

Members of the Naval Militia who were employed under the Government departments were entitled to their salary or wages in addition to their pay as members of the Naval Militia, while attending drills, cruises, or other ordered duty, and such attendance was not to affect their efficiency rating nor were they to suffer demotion or loss of position during or at the termination of their military service when ordered upon special or active duty of any kind, by provisions of the Naval Appropriation Act of August 29, 1916, c. 417, 39 Stat. 594. Said act, including said provisions, was repealed by a provision of the Naval Appropriation Act of July 1, 1918, c. 114, 40 Stat. 708.

All officers and enlisted men of the National Guard, who are Government employees and who respond to the call of the President for service, shall be restored to the positions occupied by them at the time of the call, upon the expiration of their military service, by Act August 29, 1916, ch. 418, sec. 1, *post*, sec. 954.

Sec. 950. (Act July 1, 1902, ch. 1352, sec. 1.) Leave of absence to government employees, who are members of the National Guard, for service ordered.

That section forty-nine of "An Act to provide for the organization of the militia of the District of Columbia," approved March first, eighteen hundred and eighty-nine, shall be construed as cov-

ering all days of service which the National Guard, or any portion thereof, may be ordered to perform by the commanding general. (32 Stat. 615.)

This was a proviso annexed to an appropriation for pay of the Militia of the District of Columbia, in the District of Columbia appropriation act for the fiscal year 1903, cited above.

Section 49 of Act March 1, 1889, ch. 328, referred to in this provision, is set forth *ante*, sec. 949.

Sec. 951. (Act June 3, 1916, ch. 134, sec. 80.) Leave of absence to government employees who are members of the National Guard, for field or coast-defense training.

All officers and employees of the United States and of the District of Columbia who shall be members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this Act. (39 Stat. 203.)

This was a section of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," cited above.

All officers and employees of the United States who are members of the National Guard are entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under Act March 1, 1889, ch. 328, by section 49 thereof, *ante*, sec. 949; and said section was construed as covering all days of service which the National Guard might be ordered to perform by the commanding general, by Act July 1, 1902, ch. 1352, sec. 1, *ante*, sec. 950.

A similar provision for leave of absence to all officers and employees of the United States who are members of the Officers' Reserve Corps was made by Act May 12, 1917, ch. 12, *post*, sec. 952.

Sec. 952. (Act May 12, 1917, ch. 12.) Leave of absence to Government employees who are members of Officers' Reserve Corps.

That all officers and employees of the United States or of the District of Columbia who shall be members of the Officers' Reserve Corps shall be entitled to leave of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed fifteen days in any one calendar year. (40 Stat. 72.)

This was a provision of the Army appropriation act for the fiscal year 1918, cited above.

Similar provisions for leave of absence to all officers and employees of the United States, who are members of the National Guard, were made by Act March 1, 1889, ch. 328, sec. 49, Act July 1, 1902, ch. 1352, sec. 1, and Act June 3, 1916, ch. 134, sec. 80, *ante*, secs. 949-951.

Members of the Officers' Reserve Corps, who are in Government employ, are to be restored to their positions when relieved from duty, by a further provision of this act, *post*, sec. 955.

Sec. 954. (Act August 29, 1916, ch. 418, sec. 1.) Reinstatement to positions of members of the National Guard and Medical Reserve Corps at the expiration of military service.

That all officers and enlisted men of the National Guard and of the Medical Reserve Corps of the Army who are Government employees and who respond to the call of the President for service

shall, at the expiration of the military service to which they are called, be restored to the positions occupied by them at the time of the call. (39 Stat. 624.)

This was a provision of the Army appropriation act for the fiscal year 1917, cited above.

Members of the Officers' Reserve Corps, who are in the employ of the Government and who are ordered to duty, shall, when relieved from duty, be restored to their positions, by Act May 12, 1917, ch. 12, *post*, sec. 955.

Sec. 955. (Act May 12, 1917, ch. 12.) Government employees who are members of Officers' Reserve Corps to be restored to positions when relieved from duty.

That members of the Officers' Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty. (40 Stat. 72.)

This was a provision of the Army appropriation act for the fiscal year 1918, cited above.

All officers and enlisted men of the Medical Reserve Corps of the Army who are Government employees and who respond to the President's call for service, are entitled to be restored to their positions upon expiration of such service, by Act August 29, 1916, ch. 418, sec. 1, *ante*, sec. 954.

All officers and employees of the United States who are members of the Officers' Reserve Corps are entitled to leave of absence, without loss of pay, time, or efficiency rating, on all days during which they are ordered to duty with troops or at field exercises, or for instruction, for periods not to exceed 15 days in any one calendar year, by the preceding provision of this act, *ante*, sec. 952.

Sec. 956. (Act February 25, 1919, ch. 39, sec. 1.) Reinstatement of Government employees drafted or enlisted in the military service in the war with Germany.

That all former Government employees who have been drafted or enlisted in the military service of the United States in the war with Germany shall be reinstated on application to their former positions, if they have received an honorable discharge and are qualified to perform the duties of the position. (40 Stat. 1164.)

This was a provision of the second deficiency appropriation act of 1919, cited above.

A similar provision applicable to all former Government employees who entered the military or naval service of the United States in the war with Germany, was contained in Act July 11, 1919, ch. 9, *post*, sec. 957.

Sec. 957. (Act July 11, 1919, ch. 9.) Reinstatement of Government employees who entered armed service during the war with Germany.

That all former Government employees who have entered the military or naval service of the United States in the war with the German Government shall be reinstated on application to their former positions if they have received an honorable discharge and are qualified to perform the duties of the position. (41 Stat. 142.)

This was a provision of the naval service appropriation act for the fiscal year 1920, cited above.

A similar provision applicable to all former Government employees who were drafted or enlisted in the military service of the United States in the war with Germany was contained in Act February 25, 1919, ch. 39, sec. 1, *ante*, sec. 956.

Sec. 958. (Act March 3, 1901, ch. 854, sec. 1389, as amended by Act June 30, 1902, ch. 1329.) Legal holidays in the District of Columbia.

The following days in each year, namely, the first day of January, commonly called New Year's Day; the twenty-second day of February, known as Washington's Birthday; the Fourth of July; the thirtieth day of May, commonly called Decoration Day; the first Monday in September, known as Labor's Holiday; the twenty-fifth day of December, commonly called Christmas Day; every Saturday, after twelve o'clock noon; any day appointed or recommended by the President of the United States as a day of public fasting or thanksgiving, and the day of the inauguration of the President, in every fourth year, shall be holidays in the District for all purposes. Whenever any day set apart as a legal holiday shall fall on Sunday, then and in such case the next succeeding day shall be a holiday. (31 Stat. 1404; 32 Stat. 543.)

This was a portion of a section of Act March 3, 1901, ch. 854, sec. 1389, entitled "An act to establish a code of laws for the District of Columbia," cited above, as amended by Act June 30, 1902, ch. 1329, also cited above. The amendment consisted in striking out the words "within the meaning of this section," in the section as originally enacted, and inserting in lieu thereof the words "for all purposes," so as to make the section read as set forth here.

This section incorporates therein the provisions of section 993 of the Revised Statutes of the District of Columbia and subsequent amendments thereto. That section, as originally enacted, provided that the first day of January, commonly called New Year's Day, the fourth day of July, and the twenty-fifth day of December, commonly called Christmas day, should be holidays within the District of Columbia. Said section was amended by adding to the days therein declared to be holidays, the twenty-second day of February, by Act January 31, 1879, ch. 308, 20 Stat. 277, and the day upon which the President of the United States in inaugurated, otherwise called Inauguration Day, by Act June 18, 1888, ch. 391, and by Act December 20, 1881, ch. 2, 22 Stat. 1, providing that whenever any day set apart as a legal holiday shall fall on Sunday, the day next succeeding it should be a holiday. The thirtieth day of May, usually called Decoration Day, was made a holiday in the same respects as the days mentioned in said section, by Act August 1, 1888, ch. 723, 25 Stat. 353, and the first Monday of September in each year, known as Labor's Holiday, was made a legal holiday, to all intents and purposes, in the same manner as the first day of January, the twenty-second day of February, the thirtieth day of May, and the fourth day of July, by Act June 28, 1894, ch. 118, 28 Stat. 96.

Sec. 959. (Res. January 6, 1885, No. 5.) Holidays allowed per diem employees.

That the employees of the Navy Yard, Government Printing Office, Bureau of Printing and Engraving, and all other per diem employees of the Government on duty at Washington, or elsewhere in the United States, shall be allowed the following holidays, to wit: The first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such days as may be designated by the President as days for national thanksgiving, and shall receive the same pay as on other days. (23 Stat. 516.)

This was a resolution entitled "Joint resolution providing for the payment of laborers in Government employ for certain holidays," cited above.

Sec. 960. (Res. February 23, 1887, No. 6.) Holidays allowed per diem employees; Memorial Day and Fourth of July.

That all per diem employees of the Government, on duty at Washington or elsewhere in the United States, shall be allowed the day of

each year, which is celebrated as "Memorial" or "Decoration Day" and the fourth of July of each year, as holiday, and shall receive the same pay as on other days. (24 Stat. 644.)

This was a resolution entitled "Joint resolution providing for the payment of per diem laborers in Government employ on 'Memorial' or 'Decoration Day' and the Fourth day of July, of each year, as on other days," cited above.

Sec. 961. (Act March 3, 1893, ch. 211, sec. 4.) Closing departments on decease of ex-official forbidden.

That hereafter the Executive Departments of the Government shall not be closed as a mark to the memory of any deceased ex-official of the United States. (27 Stat. 715.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1894, cited above.

The draping of any public building in mourning was forbidden by section 3 of this act, *post*, sec. 1319.

Sec. 962. (R. S. sec. 163.) Classification of department clerks.

The clerks in the Departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes.

Act March 3, 1853, ch. 77, sec. 3, 10 Stat. 209. Act March 3, 1855, ch. 175, sec. 4, 10 Stat. 669. Act August 15, 1876, ch. 287, sec. 3, 19 Stat. 169.

The salaries of clerks of the four classes herein provided, and of other employees, were fixed by R. S. sec. 167, *post*, sec. 982.

Provisions authorizing each head of a department to alter the distribution among the bureaus and offices of his department, of the clerks allowed by law, and to diminish the number of clerks of a higher grade and increase the number of a lower grade, were made by R. S. sec. 166, as amended by Act May 28, 1896, ch. 252, sec. 3, *post*, sec. 964, and Act August 15, 1876, ch. 287, sec. 3, *post*, sec. 965.

Sec. 963. (R. S. sec. 165.) Clerkships open to women.

Women may, in the discretion of the head of any Department, be appointed to any of the clerkships therein authorized by law, upon the same requisites and conditions, and with the same compensations, as are prescribed for men.

Act July 12, 1870, ch. 251, sec. 2, 16 Stat. 230, 250.

Sec. 964. (R. S. sec. 166, as amended by Act May 28, 1896, ch. 252, sec. 3.) Distribution of clerks.

Each head of a Department may, from time to time, alter the distribution among the various bureaus and offices of his Department, of the clerks and other employees allowed by law, except such clerks or employees as may be required by law to be exclusively engaged upon some specific work, as he may find it necessary and proper to do, but all details hereunder shall be made by written order of the head of the Department, and in no case be for a period of time exceeding one hundred and twenty days: *Provided*, That details so made may, on expiration, be renewed from time to time by written order of the head of the Department, in each particular case, for periods of not exceeding one hundred and twenty days. All details heretofore made are hereby revoked, but may be renewed as provided herein.

Act March 3, 1853, ch. 97, sec. 3, 10 Stat. 211. Act May 28, 1896, ch. 252, sec. 3, 29 Stat. 279.

This section, as enacted in the Revised Statutes, read as follows:

"Each head of a Department may from time to time alter the distribu-

tion among the various Bureaus and offices of his Department, of the clerks allowed by law, as he may find it necessary and proper to do."

It was amended by Act May 28, 1896, ch. 252, sec. 3, cited above, to read as set forth here. This section, as it stood before the amendment by said Act May 28, 1896, was not repealed or modified by Act August 5, 1882, ch. 389, sec. 4, *post*, sec. 985, which restricted employment of officers, clerks, and other employees to those specifically appropriated for each year.

Sec. 965. (Act August 15, 1876, ch. 287, sec. 3.) Diminution of number of clerks of higher, and increase of number of clerks of lower grades; preference in making reduction of force, or discharged soldiers and sailors, etc.

That whenever, in the judgment of the head of any department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of the clerks of the lower grade within the limit of the total appropriation for such clerical service: *Provided*, That in making any reduction of force in any of the executive departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors. (19 Stat. 169.)

These were provisions of the sundry civil appropriation act for the fiscal year 1877, cited above.

In the event of reductions in the force of any executive department, no honorably discharged soldier or sailor whose record is rated as good shall be discharged, dropped, or reduced in rank or salary by Act August 23, 1912, ch. 350, sec. 4, *post*, sec. 969.

Persons honorably discharged from the military or naval service by reason of disability resulting therefrom were to be preferred for appointments to civil offices by R. S. sec. 1754, *ante*, sec. 925, and Act March 3, 1919, ch. 97, sec. 6, *ante*, sec. 936.

Sec. 966. (R. S. sec. 173.) Chief clerks to supervise subordinate clerks.

Each chief clerk in the several Departments, and Bureaus, and other offices connected with the Departments, shall supervise, under the direction of his immediate superior, the duties of the other clerks therein, and see that they are faithfully performed.

Act August 26, 1842, ch. 202, sec. 15, 5 Stat. 526.

The chief clerk of the Department of Agriculture and his appointment by the Secretary were provided for by R. S. secs. 522, 523, *ante*, secs. 8, 9.

Sec. 967. (R. S. sec. 174.) Chief clerks to distribute duties of other clerks, revise distribution, and report defects in arrangement of business.

Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uniformity, according to the nature of the case. He shall revise such distribution from time to time, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business. And he shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or dispatch of business.

Act August 26, 1842, ch. 202, sec. 13, 5 Stat. 525.

The chief clerk of the Department of Agriculture and his appointment by the Secretary were provided for by R. S. secs. 522, 523, *ante*, secs. 8, 9.

Sec. 968. (R. S. sec. 175.) Duty of head of department, etc., upon receipt of chief clerk's report of business defects.

Each head of a Department, chief of a Bureau, or other superior officer, shall, upon receiving each monthly report of his chief clerk, rendered pursuant to the preceding section, examine the facts stated therein, and take such measures, in the exercise of the powers conferred upon him by law, as may be necessary and proper to amend any existing defects in the arrangement or dispatch of business disclosed by such report.

Act August 26, 1842, ch. 202, sec. 13, 5 Stat. 525.

R. S. sec. 174, referred to in this section, is set forth, *ante*, sec. 967.

Further provisions requiring monthly reports to the head of each department as to the condition of public business in the several bureaus and offices of his department, and the bringing up of arrears disclosed by such reports, and also requiring quarterly reports by the head of each executive department to the President as to the condition of public business in his department, were made by Act March 3, 1893, ch. 211, sec. 5, as amended by Act March 15, 1898, ch. 68, sec. 7, *ante*, sec. 945.

Heads of departments are required to report annually to Congress the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency, by Act July 11, 1890, ch. 667, sec. 2, *post*, sec. 1159.

The head of each department is required to submit annually in his estimates a statement as to the conditions of business in his department, showing whether any part of the same is in arrears; and if so, the respective bureaus and offices in which such arrears exist, the extent thereof, and the reasons therefor, by Act March 2, 1895, ch. 177, sec. 7, *post*, sec. 1160.

Sec. 969. (Act August 23, 1912, ch. 350, sec. 4.) System of efficiency ratings for classified service in departments, etc., based on records; minimum ratings for promotion, demotion, and dismissal, subject to Civil Service rules; departments to furnish Civil Service Commission with copies of records; retention of ex-soldiers, etc., on reductions of force; punishment for violation of section.

The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped, or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction

thereof be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year. (37 Stat. 413.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1913, cited above.

A Division of Efficiency was created by a provision of Act March 4, 1915, ch. 141, sec. 1, *post*, sec. 971, and said Division of Efficiency was made an independent establishment, to be known as the Bureau of Efficiency, and the duties imposed upon the Civil Service Commission by this section, and the duty of investigating the administrative needs of the service, likewise imposed by Act March 4, 1913, ch. 142, sec. 1, *post*, sec. 970, were transferred to said Bureau of Efficiency by provisions of Act February 28, 1916, ch. 37, sec. 1, *post*, sec. 972.

It was made the duty of the heads of the several executive departments to report to Congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency by Act July 11, 1890, ch. 667, sec. 2, *post*, sec. 1159.

In making any reduction of force in any of the executive departments the head of such department shall retain those persons who may be equally qualified who have been discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors, by Act August 15, 1876, ch. 287, sec. 3, *ante*, sec. 965.

Persons honorably discharged from the military or naval service by reason of disability resulting therefrom were to be preferred for appointment to civil offices by R. S. sec. 1754, and Act March 3, 1919, ch. 97, sec. 6, *ante*, secs. 925, 937.

Sec. 970. (Act March 4, 1913, ch. 142, sec. 1.) Investigation and reports by Civil Service Commission as to administrative needs of service relating to personnel in departments.

Establishment and maintenance of system of efficiency ratings for initial year: For the establishment and maintenance of system of efficiency ratings for initial year, \$15,000, to be immediately available. The Civil Service Commission shall investigate and report to the President, with its recommendations, as to the administrative needs of the service relating to personnel in the several executive departments and independent establishments in the District of Columbia, and report to Congress details of expenditure and of progress of work hereunder at the beginning of each regular session. (37 Stat. 750.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1914, cited above. Provisions in the same words were contained in the similar act for the fiscal year 1915, Act July 16, 1914, ch. 141, sec. 1, 38 Stat. 465.

The establishment of the system of efficiency ratings mentioned in these provisions was authorized by provisions of Act August 23, 1912, ch. 350, sec. 4, *ante*, sec. 969.

Sec. 971. (Act March 4, 1915, ch. 141, sec. 1.) System of efficiency ratings for classified service in departments, etc., and investigations and report of needs as to personnel, and of duplication of statistical and other work and method of business, in departments, etc., by Division of Efficiency of Civil Service Commission.

Division of Efficiency: For establishment and maintenance of system of efficiency ratings, pursuant to section four of the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and thirteen, for investigation of the needs of the several executive departments and independent establishments with respect to personnel; and for investigation of duplication of statistical and other work and methods of business in the various branches of the

Government service; including not more than \$2,500 for equipment, supplies, stationery, books, and printing; and not more than \$50 for street car fare, \$30,000; the chief of the Division of Efficiency herein provided for shall be appointed by the President, and shall report to Congress at the beginning of each regular session, through the President, the nature and progress of work undertaken by the division together with a detailed statement of expenditures showing the persons employed, their duties, and the compensation paid to each. (38 Stat. 1007.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1916, cited above.

The provisions of section 4 of Act August 23, 1912, ch. 350, referred to in these provisions, are set forth *ante*, sec. 969. The Division of Efficiency, created by this section, was made an independent establishment to be known as the Bureau of Efficiency, and the duties imposed on the Civil Service Commission by said Act August 23, 1912, ch. 350, sec. 4, *ante*, sec. 969, and the duty of investigating the administrative needs of the service relating to personnel in the several departments, etc., also imposed on the Civil Service Commission by Act March 4, 1913, ch. 142, sec. 1, *ante*, sec. 970, were transferred to said Bureau of Efficiency, by Act February 28, 1916, ch. 37, sec. 1, *post*, sec. 972.

Sec. 972. (Act February 28, 1916, ch. 37, sec. 1.) Bureau of Efficiency created; transfer of duties relating to efficiency ratings and duty of investigating administrative needs of service relating to personnel in the departments.

That hereafter the Division of Efficiency of the Civil Service Commission shall be an independent establishment and shall be known as the Bureau of Efficiency; and the officers and employees of the said division shall be transferred to the Bureau of Efficiency without reappointment, and the records and papers pertaining to the work of the said division and the furniture, equipment, and supplies that have been purchased for it shall be transferred to the said bureau: *And provided further*, That the duties relating to efficiency ratings imposed upon the Civil Service Commission by section four of the legislative, executive, and judicial appropriation Act approved August twenty-third, nineteen hundred and twelve, and the duty of investigating the administrative needs of the service relating to personnel in the several executive departments and independent establishments, imposed on the Civil Service Commission by the legislative, executive, and judicial appropriation Act approved March fourth, nineteen hundred and thirteen, are transferred to the Bureau of Efficiency. (39 Stat. 15.)

These were provisions of the urgent deficiency appropriation act for the fiscal year 1916, cited above.

The Division of Efficiency, mentioned in this section, was established by Act March 4, 1915, ch. 141, sec. 1, *ante*, sec. 971.

Section 4 of Act August 23, 1912, ch. 350, mentioned herein, is set forth *ante*, sec. 969, and the provisions of Act March 4, 1913, ch. 142, referred to, are set forth *ante*, sec. 970.

The Bureau of Efficiency was directed to investigate the classification, salary, and efficiency of the employees of the Government Departments in the District of Columbia and to report to Congress by January 1, 1918, as to needed equalization or reclassification, and to ascertain the rates of pay of employees of various States and municipal governments and commercial institutions in different parts of the United States and to submit to Congress at its next regular session a report showing how such rates compared with the rates of pay of employees of the Federal Government performing similar services; by Act March 3, 1917, ch. 163, sec. 1, 39 Stat. 1081.

The Bureau of Efficiency was directed to investigate duplication of service in the executive departments and establishments of the Government and to report to the President thereon, and the President was authorized to abolish such duplications found to exist; and a report to Congress of the action taken was required at its next regular session, by Act March 3, 1917, ch. 163, sec. 8, 39 Stat. 1122.

The Bureau of Efficiency was required to investigate the methods of examining and auditing claims against the United States and accounts of disbursing officers, and of accounting for receipts and disbursements, and to report to the Secretary of the Treasury and to Congress at its next regular session, by Act March 3, 1917, ch. 163, sec. 1, 39 Stat. 1080.

The Bureau of Efficiency was directed to investigate the scope and character of statistics needed by the Government and the methods of collecting, compiling, and presenting statistical information by the departments, etc., and to report to Congress, by Act November 4, 1919, ch. 93, sec. 3, 41 Stat. 343.

Officers and employees of the departments, etc., are to be furnished authorized representatives of the Bureau of Efficiency with information required and to give them access to records and papers needed by a provision of Act March 3, 1917, ch. 163, sec. 1, *post*, sec. 973.

Sec. 973. (Act March 3, 1917, ch. 163, sec. 1.) Department officers, etc., to furnish information to Bureau of Efficiency.

Officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of the duties imposed on it by law, and shall give such representatives access to all records and papers that may be needed for that purpose. (39 Stat. 1081.)

This was a paragraph of the legislative, executive, and judicial appropriation act for the fiscal year 1918, cited above.

The Bureau of Efficiency was created and its duties defined by Act February 28, 1916, ch. 37, sec. 1, *ante*, sec. 972.

Sec. 974. (Act August 24, 1912, ch. 389, sec. 6.) Removals from classified service except for cause to promote efficiency, forbidden; notice of charges, and answer, etc., record of removals, and copies thereof; right to petition, etc., Congress not to be denied.

That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same: * * * The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with. (37 Stat. 555.)

These were provisions of the Postal Service appropriation act for the fiscal year 1913, cited above.

The portion of the section omitted here, as indicated, was a proviso that membership in any organization of postal employees for improving conditions, etc., shall not be a cause for reduction in rank or compensation or for removal from said service.

The use of any appropriation to pay for personal services, etc., printed or written matter, etc., in influencing Members of Congress as to legislation was prohibited, and any officer or employee found to have violated said prohibition is to be removed and punished by fine and imprisonment by Act July 11, 1919, ch. 6, sec. 6, *post*, sec. 1098.

Sec. 975. (R. S. sec. 176.) Appointment of disbursing clerks; bond; compensation.

The disbursing clerks authorized by law in the several Departments shall be appointed by the heads of the respective Departments, from clerks of the fourth class; and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the Solicitor of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct. Each disbursing clerk, except the disbursing clerk of the Treasury Department, must, when directed so to do by the head of the Department, superintend the building occupied by his Department. Each disbursing clerk is entitled to receive, in compensation for his services in disbursing, such sum in addition to his salary as a clerk of the fourth class as shall make his whole annual compensation two thousand dollars a year.

Act March 3, 1853, ch. 97, sec. 3, 10 Stat. 209, 211. Act March 3, 1855, ch. 175, sec. 4, 10 Stat. 669. March 3, 1873, ch. 226, sec. 1, 17 Stat. 485, 492.

The appointment, in the case of sickness or unavoidable absence of a disbursing clerk, of another to act in his place, was provided for by Act March 4, 1909, ch. 299, sec. 8, *post*, sec. 976.

A deputy disbursing clerk provided for in the Department of Agriculture, is authorized to sign checks in the name of the disbursing clerk, and required to give bond, and when so acting for the disbursing clerk he is made subject to all the liabilities and penalties of the disbursing clerk, by a provision of Act March 4, 1911, ch. 238, *ante*, sec. 13.

Duties of disbursing officers were prescribed by R. S. secs. 3620-3623, and Act August 30, 1890, ch. 837, sec. 4, *post*, secs. 1233-1236.

All vouchers and pay rolls are to be prepared and examined by and through the administrative heads of divisions and bureaus in the Executive Departments, and not by disbursing clerks, by a provision of Act August 23, 1912, ch. 350, sec. 1, *post*, sec. 1207.

Statements of, and receipts for, all moneys expended by disbursing officers of the departments are required of them, by R. S. sec. 193, *post*, sec. 1132.

Provisions for the examination of books, etc., of the departments, by accounting officers of the Government, are set forth, *post*, secs. 1216-1218.

Sec. 976. (Act March 4, 1909, ch. 299, sec. 8.) Acting disbursing officer in case of sickness or unavoidable absence of disbursing clerk or disbursing agent in department, etc., in Washington, D. C.

In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office, in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. The official bond given by the principal of

the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing clerk or disbursing agent, respectively, for whom he acts, and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require. (35 Stat. 1027.)

These were provisions of a sundry civil appropriation act for the fiscal year 1910, cited above.

The deputy disbursing clerk provided for the Department of Agriculture is authorized to sign checks in the name of the disbursing clerk, bond is required of him, and when so acting for the disbursing clerk he is subject to all liabilities and penalties of the disbursing clerk, by a provision of Act March 4, 1911, ch. 238, *ante*, sec. 13.

Sec. 977. (R. S. sec. 3614.) Bond of special agents for disbursement of public moneys.

Whenever it becomes necessary for the head of any Department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the Department or office employing them may approve.

Act August 4, 1854, ch. 242, sec. 14, 10 Stat. 573.

Sec. 978. (Act August 13, 1894, ch. 282, sec. 1.) Surety companies as sureties on bonds, etc.

That whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified, is by the laws of the United States required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by a corporation incorporated under the laws of the United States, or of any State having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds and undertakings in judicial proceedings: *Provided*, That such recognizance, stipulation, bond, or undertaking be approved by the head of department, court, judge, officer, board, or body executive, legislative, or judicial required to approve or accept the same. But no officer or person having the approval of any bond shall exact that it shall be furnished by a guarantee company or by any particular guarantee company. (28 Stat. 279.)

This was a section of an act entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," cited above.

Sec. 979. (Act August 5, 1909, ch. 7.) Limitation of rate of premium on bonds for officers and employees; payment of premium by United States forbidden.

Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than thirty-five per centum in

excess of the rate of premium charged for a like bond during the calendar year nineteen hundred and eight: *Provided*, That hereafter the United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States. (36 Stat. 125.)

This was a provision of the urgent deficiency appropriation act for the fiscal year 1909, cited above.

Sec. 980. (Act March 2, 1895, ch. 177, sec. 5.) Examination of official bonds as to sufficiency of sureties and sufficiency of amounts.

Hereafter every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years and as much oftener as he may deem it necessary. (28 Stat. 807.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1906, cited above.

Sec. 981. (Act March 2, 1895, ch. 177, sec. 5.) Renewal of official bonds; waiver of requirement of new bonds pending appointment and qualification of successor; liability of principal and sureties to continue.

Hereafter every officer whose duty it is to take and approve official bonds shall cause such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deems such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor: *Provided*, That the nonperformance of any requirement of this section on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States: *Provided further*, That the liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. (28 Stat. 808.)

These were further provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1896, cited above.

Sec. 981a. (Act February 24, 1919, ch. 18, sec. 1320.) Liberty or other United States bonds in lieu of surety bonds; return to depositor; contractor's bonds.

That wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bond", with surety or sureties, such person may, in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds so deposited in case of any default in the performance of any

of the conditions or stipulations of such penal bond. The acceptance of such United States bonds in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond. The bonds deposited hereunder, and such other United States bonds as may be substituted therefor from time to time as such security, may be deposited with the Treasurer, or an Assistant Treasurer of the United States, a Government depository, Federal Reserve bank, or member bank, which shall issue receipt therefor, describing such bonds so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds so deposited, shall be returned to the depositor: *Provided*, That in case a person or persons supplying a contractor with labor or material as provided by the Act of Congress, approved February 24, 1905 (33 Stat., 811), entitled "An Act to amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled 'An Act for the protection of persons furnishing materials and labor for the construction of public works.'" shall file with the obligee, at any time after a default in the performance of any contract subject to said Acts, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds nor any surplus proceeds thereof until the expiration of the time limited by said Acts for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or proceeds subject to the order of the court having jurisdiction thereof; *Provided further*, That nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds deposited or any right or remedy granted by said Acts or by this section to the United States for default upon any obligation of said penal bond: *Provided further*, That all laws inconsistent with this section are hereby so modified as to conform to the provisions hereof: *And provided further*, That nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in cases authorized by existing laws. The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect. (40 Stat. 1148.)

This was a section of an act entitled "An act to provide revenue, and for other purposes," cited above.

Act August 13, 1894, ch. 280, as amended by Act February 24, 1905, ch. 778, mentioned in this section, is set forth, *post*, sec. 1369.

Sec. 982. (R. S. sec. 167.) Salaries of persons employed in the departments.

The annual salaries of clerks and employés in the Departments, whose compensation is not otherwise prescribed, shall be as follows:

First. To clerks of the fourth class, eighteen hundred dollars.

Second. To clerks of the third class, sixteen hundred dollars.

Third. To clerks of the second class, fourteen hundred dollars.

Fourth. To clerks of the first class, twelve hundred dollars.

Fifth. To the women employed in duties of a clerical character, subordinate to those assigned to clerks of the first class, including copyists and counters, or temporarily employed to perform the duties of a clerk, nine hundred dollars.

Sixth. To messengers, eight hundred and forty dollars.

Seventh. To assistant messengers, seven hundred and twenty dollars.

Eighth. To laborers, seven hundred and twenty dollars.

Ninth. To watchmen, seven hundred and twenty dollars.

Act March 3, 1853, ch. 97, sec. 3. 10 Stat. 209. 211. Act April 22, 1854, ch. 52, sec. 1, 10 Stat. 276. Res. August 18, 1856, No. 18, 11 Stat. 145. Act July 23, 1866, ch. 208, sec. 6, 14 Stat. 207. Act July 12, 1870, ch. 251, sec. 3, 16 Stat. 230, 250.

This section was superseded by provisions of the Classification Act, Act March 4, 1923, ch. 265, *ante*, secs. 938a-938n.

Sec. 983. (R. S. sec. 168.) Compensation of temporary clerks.

Except when a different compensation is expressly prescribed by law, any clerk temporarily employed to perform the same or similar duties with those belonging to clerks of either class, is entitled to the same salary as is allowed to clerks of that class.

Act April 22, 1854, ch. 52, sec. 1, 10 Stat. 276.

Sec. 984. (R. S. sec. 169.) Authority to employ clerks and other employees.

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employes, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Act March 3, 1875, ch. 129, 18 Stat. 360, 361, 365. Act March 3, 1875, ch. 130, secs. 2, 3, 18 Stat. 399.

The appointment and employment in the Department of Agriculture of such persons "as Congress may from time to time provide" was authorized by R. S. sec. 523, *ante*, sec. 9. The clerks and other employees actually appointed or employed in the Department of Agriculture, and their respective salaries or compensation, depend upon the specific provisions made in the annual agricultural appropriation acts, the employment or payment of others in the executive departments being forbidden by Act August 5, 1882, ch. 389, sec. 4, *post*, sec. 985.

Sec. 985. (Act August 5, 1882, ch. 389, sec. 4.) Officers, clerks, and other employees to be as specifically appropriated for; repeal of inconsistent laws; details from places outside District of Columbia for duty within District prohibited; lapsed salaries and unused appropriations.

That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall after the first day of October next be employed in any of the executive departments, or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall hereafter be employed at the seat of government in any executive department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the first day of October next section one hundred and seventy-two of the Revised Statutes, and all

other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employees at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and thereafter all details of civil officers, clerks, or other subordinate employees from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury: * * * and nothing herein shall be construed to repeal or modify section one hundred and sixty-six of the Revised Statutes of the United States. (22 Stat. 255.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1883, cited above. The portion of this section, omitted here, consisted of provisos for the adjustment, in accordance with the provisions of the act, of the clerical or other force theretofore paid out of general or specific appropriations, such adjustment to be effected before October 1, 1882.

Violations of this section were made punishable by Act August 23, 1912, ch. 350, sec. 5, *post*, sec. 986.

R. S. sec. 172, mentioned in and repealed by this section, read as follows:

"No messenger, assistant messenger, laborer, nor other subordinate assistant shall be employed in any Department, Bureau, or office at the seat of Government, or paid out of the contingent fund appropriated to such Department, Bureau, or office, unless such employment is authorized by law, or is necessary to carry into effect some object for which an appropriation has been specifically made."

R. S. sec. 166, also mentioned herein, as amended by Act May 28, 1896, ch. 253, sec. 3, is set forth *ante*, sec. 964.

A general prohibition to the executive officers of the Government, from employing any clerk, etc., or other employee in any of the executive departments in the city of Washington or elsewhere, beyond provisions made by law, was made by Act August 15, 1876, ch. 287, sec. 5, *post*, sec. 987.

Every officer or employee of the Department of Agriculture whose rate of compensation is specified in the agricultural appropriation act for the fiscal year 1914 shall receive compensation at the rate so specified, by a provision of said act. Act March 4, 1913, ch. 145, *ante*, sec. 19.

A subsequent prohibition on the detail of civil officers, clerks, or other employees in the public service outside of the District of Columbia, for duty in any executive department in the District, was contained in Act June 22, 1906, ch. 3514, sec. 6, *post*, sec. 994.

The detail of employees of the executive departments to the office of the President for temporary assistance, from time to time, was authorized by a provision of Act March 3, 1921, ch. 124, sec. 1, *ante*, sec. 995.

Details of employees of the Government Printing Office to the executive departments were restricted by Act June 25, 1910, ch. 384, sec. 1, *post*, sec. 997.

A provision prohibiting the detail of clerks or other employees from the executive departments to the Civil Service Commission, for the performance of duty in the District of Columbia, contained in Act March 3, 1921, ch. 124, sec. 1, is set forth, *post*, sec. 996.

Provisions authorizing details of employees of the Department of Agriculture are set forth *ante*, secs 21-24.

The Secretary of Agriculture was authorized to pay the salary of each employee from the roll of the bureau, division, or office in which the employee is working, and no other, by Act March 4, 1907, ch. 2907, *ante*, sec. 20.

Estimates for the compensation of officers are to be founded on express provisions of law, and not upon the authority of executive departments, by R. S. sec. 3662, *post*, sec. 1158.

Sec. 986. (Act August 23, 1912, ch. 350, sec. 5.) Punishment for violation of prohibition of employment of officers, clerks, etc., or other employees except as specifically appropriated for.

That any person violating section four of the legislative, executive, and judicial appropriation Act approved August fifth, eighteen hundred and eighty-two (Statutes at Large, volume twenty-two, page two hundred and fifty-five), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year. (37 Stat. 414.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1913, cited above.

Section 4 of Act August 5, 1882, ch. 389, mentioned herein, is set forth *ante*, sec. 985.

Sec. 987. (Act August 15, 1876, ch. 287, sec. 5.) Employment of clerks, etc., and other employees beyond provisions of law, prohibited.

That the executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman[,] messenger[,] watchman, laborer, or other employee, in any of the executive departments in the city of Washington, or elsewhere beyond the provision made by law. (19 Stat. 169.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1877, cited above.

The employment of civil officers, clerks, etc., in any of the executive departments, bureaus, or offices at the seat of government, except at such rates and in such numbers as may be specifically appropriated for, was forbidden by Act August 5, 1882, ch. 389, sec. 4, *ante*, sec. 985.

Sec. 988. (R. S. sec. 1760.) Payment of salary for office not authorized by law, forbidden.

No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law.

Act February 9, 1863, ch. 25, sec. 2, 12, Stat. 646.

Payment for official or clerical compensation from appropriations for contingent, incidental, or miscellaneous purposes was forbidden by R. S. sec. 3682, *post*, sec. 1181.

The employment of clerks, etc., or other employees in the executive departments at Washington or elsewhere, beyond provisions made by law, was prohibited by Act August 15, 1876, ch. 287, sec. 5, *ante*, sec. 987.

The officers, clerks, etc., to be employed in the executive departments are limited to the compensation and number for which specific provision is made by appropriations for each fiscal year, by Act August 5, 1882, ch. 389, sec. 4, *ante*, sec. 985.

Sec. 989. (R. S. sec. 189.) Employment of attorneys and counsel.

No head of a Department shall employ attorneys or counsel at the expense of the United States; but when in need of counsel or advice, shall call upon the Department of Justice, the officers of which shall attend to the same.

Act June 22, 1870, ch. 150, sec. 17, 16 Stat. 164.

A prohibition on the allowance of compensation to any person besides district attorneys and assistant district attorneys for services as an attorney or counsellor to any branch or department of the Government, is contained in R. S. sec. 365, *post*, sec. 990.

The head of any executive department may require the opinion of the Attorney General on any question of law arising in the administration of his department, by R. S. sec. 356, *ante*, sec. 922.

Sec. 990. (R. S. sec. 365.) Counsel fees restricted.

No compensation shall hereafter be allowed to any person, besides the respective district attorneys and assistant district attorneys for services as an attorney or counselor to the United States, or to any branch or Department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the Attorney-General that such services were actually rendered, and that the same could not be performed by the Attorney-General, or Solicitor-General, or the officers of the Department of Justice, or by the district attorneys.

Act June 22, 1870, ch. 150, sec. 17, 16 Stat. 164.

The employment of attorneys or counsel at the expense of the United States by heads of departments is prohibited, and when in need of counsel or advice, they shall call upon the Department of Justice for the same, by R. S. sec. 189, *ante*, sec. 989.

Sec. 991. (Act March 3, 1893, ch. 208.) Detective agency employees not to be employed in Government service.

That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia. (27 Stat. 591.)

This was a provision of the sundry civil appropriation act for the fiscal year 1894, cited above. A provision in the same language, but without the word "hereafter," was contained in the similar act for the preceding fiscal year.

Sec. 992. (Act October 22, 1913, ch. 32.) Publicity experts not to be employed unless specific appropriations are made.

No money appropriated by this or any other Act shall be used for the compensation of any publicity expert unless specifically appropriated for that purpose. (38 Stat. 212.)

This was a provision of the urgent deficiency appropriation act for the fiscal year 1913, cited above.

Sec. 993. (Act April 6, 1914, ch. 52, sec. 5.) Accountants or other experts not to be compensated for inaugurating new methods of transacting public business unless specific provision is made therefor.

That no part of any money appropriated in this or any other Act shall be used for compensation or payment of expenses of accountants or other experts in inaugurating new or changing old methods of transacting the business of the United States or the District of Columbia unless authority for employment of such services or payment of such expenses is stated in specific terms in the Act making provision therefor and the rate of compensation for such services or expenses is specifically fixed therein, or be used for compensation of or expenses for persons, aiding or assisting such accountants or other experts, unless the rate of compensation of or expenses for such assistants is fixed by officers or employees of the United States or District of Columbia having authority to do so, and such rates of compensation or expenses so fixed shall be paid only to the person so employed. (38 Stat. 335.)

This was a provision of the urgent deficiency appropriation act for the fiscal year 1914, cited above.

Sec. 994. (Act June 22, 1906, ch. 3514, sec. 6.) Detail of officers, clerks, or other employees in public service outside District of Columbia for duty in departments in District of Columbia.

Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office, or other division of any Executive Department in the District of Columbia, except temporary details for duty connected with their respective offices. (34 Stat. 449.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1907, cited above.

A previous provision prohibiting all details of civil officers, clerks, and other subordinate employees from places outside of the District of Columbia, for duty within the District of Columbia, except temporary details for duty connected with their respective offices, was made by Act August 5, 1882, ch. 389, sec. 4, *ante*, sec. 985.

Sec. 995. (Act February 13, 1923, ch. 72, sec. 1.) Detail of employees of executive departments, etc., to the office of the President.

That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary. (42 Stat. 1227.)

This was a provision of an act making appropriations for the Executive office and sundry independent executive bureaus, etc., for the fiscal year 1924, cited above. Provisions in the same words were made for the 18 preceding fiscal years.

Sec. 996. (Act February 13, 1923, ch. 72.) Details from executive departments to Civil Service Commission prohibited.

Except for one person detailed for part-time duty in the district office at New York City, no details from any executive department or establishment in the District of Columbia to the [Civil Service] commission's central office in Washington or to any of its district offices shall be made during the fiscal year 1924. (42 Stat. 1229.)

This was a provision of the act making appropriations for the Executive office and sundry independent executive bureaus, etc., for the fiscal year 1924, cited above. Similar provisions were contained in appropriation acts for the eighteen preceding fiscal years.

Sec. 997. (Act June 25, 1910, ch. 384, sec. 1.) Detail of employees of Government Printing Office to executive departments, etc., restricted.

Hereafter no employee of the Government Printing Office shall be detailed to duties not pertaining to the work of public printing and binding in any executive department or other Government establishment unless expressly authorized by law. (36 Stat. 770.)

This was a provision of the sundry civil appropriation act for the fiscal year 1911, cited above.

A restriction on the payment of money appropriated for the public printing and binding to any employee in the Government Printing Office while detailed for service in any executive branch of the public service, contained in Act March 4, 1921, ch. 161, sec. 1, is set forth *post*, sec. 1409a.

Sec. 998. (Act June 22, 1906, ch. 3514, sec. 5.) Transfer of clerks or other employees from one department to another.

It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the Executive Departments to be transferred from one Department to another Department until such clerk or other employee shall have served a for a term of three years in the Department from which he desires to be transferred. (34 Stat. 449.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year, 1907, cited above.

This section was made to apply to the transfer of employees from executive departments to independent establishments and vice versa, by Act October 6, 1917, ch. 79, sec. 6, *post*, sec. 999.

Sec. 999. (Act October 6, 1917, ch. 79, sec. 6.) Restriction on transfer of employees from one department to another extended to independent establishments.

That section five of the Act of June twenty-second, nineteen hundred and six, prohibiting the transfer of employees from one executive department to another, shall apply with equal force and effect to the transfer of employees from executive departments to independent establishments and vice versa and to the transfer of employees from one independent establishment to another: *Provided*, That the United States Shipping Board Emergency Fleet Corporation shall be considered a Government establishment for the purposes of this section. (40 Stat. 383.)

This was a section of the urgent deficiency appropriation act for the fiscal year 1918, cited above.

Section 5 of Act June 22, 1906, ch. 3514, mentioned in this section, is set forth *ante*, sec. 998.

Sec. 1000. (Act October 6, 1917, ch. 79, sec. 7.) Transfer of employees from one department, etc., to another department, etc., at increased rate of compensation prohibited.

That no civil employee in any of the executive departments or other Government establishments, or who has been employed therein within the period of one year next preceding his proposed employment in any other executive department or other Government establishment, shall be employed hereafter and paid from a lump-sum appropriation in any other executive department or other Government establishment at an increased rate of compensation. And no civil employee in any of the executive departments or other Government establishments or who has been employed therein within the period of one year next preceding his proposed employment in any other executive department or other Government establishment and who may be employed in another executive department or other Government establishment shall be granted an increase in compensation within the period of one year following such reemployment: *Provided*, That the United States Shipping Board Emergency Fleet Corporation shall be considered a Government establishment for the purposes of this section: *Provided further*, That this section shall not be construed to repeal section five of the Act of June twenty-second, nineteen hundred and six, which prohibits the transfer of employees from one department to another. (40 Stat. 383.)

This was a section of the urgent deficiency appropriation act for the fiscal year 1918, cited above.

Section 5, act June 22, 1906, ch. 3514, mentioned in this section, is set forth *ante*, sec. 998.

No lump-sum appropriation was to be available for the payment of personal services at a rate of compensation in excess of that paid for the preceding fiscal year, and the transfer of persons employed at specific salaries and their payment from a lump-sum appropriation at a rate of compensation greater than such specific salary was prohibited by Act August 26, 1912, ch. 408, sec. 7, as amended by act March 4, 1913, ch. 142, sec. 4, *post*, sec. 1002.

Sec. 1001. (Act March 28, 1918, ch. 28, sec. 2.) Branches of Government of District of Columbia Government establishments for purposes of prohibition of transfers at increased compensation.

That all branches of the government of the District of Columbia shall be considered a governmental establishment for the purposes of section seven of the deficiency appropriation Act approved October sixth, nineteen hundred and seventeen. (40 Stat. 498.)

This was a section of the urgent deficiency appropriation act for the fiscal year 1918, cited above.

Section 7 of act October 6, 1917, ch. 79, mentioned in this section, is set forth *ante*, sec. 1000.

Sec. 1002. (Act August 26, 1912, ch. 408, sec. 7, as amended by Act March 4, 1913, ch. 142, sec. 4.) Lump-sum appropriations not available for payment of increased salaries; mechanics, etc., excepted.

That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government. (37 Stat. 626, 790.)

This was a section of the urgent deficiency appropriation act for the fiscal year 1912, Act August 24, 1912, ch. 408, cited above, as amended by a section of the legislative, executive, and judicial appropriation act for the fiscal year 1914, Act March 4, 1913, ch. 142, also cited above.

The amendment consists in the substitution of the words "during the preceding fiscal year," in the section as here set forth, for the words "during the fiscal year nineteen hundred and twelve," in the original section, and in the addition of the proviso at the end of the section, as set forth here.

This section, with the exception of the provision as to the transfer of any person employed at a specific salary and the payment of compensation at a rate greater than said specific salary, does not apply to the payment from lump-sum appropriations for the Department of Agriculture, for personal services of those engaged in strictly scientific or technical work, by a provision of Act March 4, 1913, ch. 145, *ante*, sec. 15.

No civil employee in any of the executive departments, etc., or who has been employed therein within one year next preceding his proposed employment in any other executive department, etc., may be employed and paid from a lump-sum appropriation in any other executive department at an increased rate of compensation, and no such civil employee shall be granted an increase in compensation within one year following such re-employment, was prohibited by Act October 6, 1917, ch. 79, sec. 7, *ante*, sec. 1000.

Sec. 1003. (Act March 3, 1919, ch. 97, sec. 7.) Transfers permitted from departments to Census Office of employees with previous experience; eligible for retransfer at end of census service; temporary census employees not eligible for classified Government service at expiration of census period.

That employees in other branches of the departmental classified service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial census period, and at the end of such service the employees so transferred shall be eligible to appointment to positions in any department held by them at date of transfer to the Census Office without examination, but no employee so transferred shall within one year after such transfer receive higher salary than he is receiving at the time of the transfer: *And provided further*, That during the decennial census period and no longer the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by section six of this Act: *And provided further*, That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this Act shall terminate, and such officers and employees shall not be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this Act. (40 Stat. 1294.)

These were provisions of an act to provide for the Fourteenth and subsequent decennial censuses, cited above.

Similar provisions were made in the act providing for the Thirteenth Census.

The decennial census period, mentioned in these provisions, is defined as the period of three years beginning the first day of July next preceding the census, by section 2 of this Act.

Sec. 1004. (Act May 29, 1920, ch. 214, sec. 1.) Civil-service employees in sub-treasuries eligible for transfer to other executive departments.

All employees in the subtreasuries in the classified civil service of the United States, who may so desire, shall be eligible for transfer to classified civil service positions under the control of the Treasury Department, or if their services are not required in such department they may be transferred to fill vacancies in any other executive department with the consent of such department. (41 Stat. 655.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1921, cited above.

Sec. 1005. (R. S. sec. 171.) Restriction on employing extra clerks.

No extra clerk shall be employed in any Department, Bureau, or office, at the seat of Government, except during the session of Congress, or when indispensably necessary in answering some call made by either House of Congress at one session to be answered at another; nor then, except by order of the head of the Department in which, or in some Bureau or office of which, such extra clerk shall be employed. And no extra clerk employed in either of the Departments shall receive compensation except for time actually and necessarily employed, nor any greater compensation than three dollars a day for copying, or four dollars a day for any other service.

Act August 26, 1842, ch. 202, sec. 15, 5 Stat. 526. August 15, 1876, ch. 287, sec. 5, 19 Stat. 169.

This section was to a great extent superseded by the more comprehensive provisions on the same subject of Act August 5, 1882, ch. 389, sec. 4, *ante*, sec. 985, but it was not specifically repealed thereby, as was R. S. sec. 172.

Sec. 1006. (R. S. sec. 1763.) Person holding office at salary or compensation of \$2,500 prohibited from receiving compensation for duties of any other office, unless authorized by law.

No person who holds an office, the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.

Act August 31, 1852, ch. 108, sec. 18, 10 Stat. 100. Act June 20, 1874, ch. 328, 18 Stat. 109.

The appointment of persons holding an office, such as is described in this section, to any other office to which compensation is attached, was restricted by Act July 31, 1894, ch. 174, sec. 2, *post*, sec. 1008.

A prohibition of more than one salary to any person when the combined amount of such salaries exceeds \$2,000 per annum, unless specially authorized by law, was contained in Act May 10, 1916, ch. 117, sec. 6, as amended by Act August 29, 1916, ch. 417, *post*, sec. 1007.

Provisions restricting compensation to officers, clerks, etc., for discharging duties of others or for extra services, and of additional pay or extra allowances or compensation, are set forth *ante*, secs. 1010-1024.

Sec. 1007. (Act May 10, 1916, ch. 117, sec. 6, as amended by Act August 29, 1916, ch. 417.) Appropriations available for more or payment of more than one salary when combined amount exceeds \$2,000; not applicable to retired officers or enlisted men of Army, Navy, etc., or officers or enlisted men of Militia.

That unless otherwise specially authorized by law, no money appropriated by this or any other Act shall be available for payment to any person receiving more than one salary when the combined amount of said salaries exceeds the sum of \$2,000 per annum, but this shall not apply to retired officers or enlisted men of the Army, Navy, Marine Corps, or Coast Guard, or to officers and enlisted men of the Organized Militia and Naval Militia in the several States, Territories, and the District of Columbia: *Provided*, That no such retired officer, officer, or enlisted man shall be denied or deprived of any of his pay, salary, or compensation as such, or of any other salary or compensation for services heretofore rendered, by reason of any decision or construction of said section six. (39 Stat. 120, 39 Stat. 582.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1917, cited above, as amended by the naval service appropriation act for the fiscal year 1917, also cited above. Said amendment consisted in the addition of the Coast Guard to the services enumerated in the section as originally enacted, and in the inclusion of enlisted men with those excepted from its operation, and in the addition of the proviso.

Members of the Naval Reserve Force may accept employment in any branch of the public service and receive pay and allowances incident thereto in addition to their retainer pay, by Act August 29, 1916, ch. 417, *post*, sec. 1009.

Sec. 1008. (Act July 31, 1894, ch. 174, sec. 2.) Appointment of person holding office at salary or compensation of \$2,500 to any other office, unless authorized by law, prohibited; exceptions.

No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred

dollars shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army or Navy whenever they may be elected to public office or whenever the President shall appoint them to office by and with the advice and consent of the Senate. (28 Stat. 205.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1895, cited above.

No person such as that described in this provision shall receive compensation for discharging the duties of any other office, unless expressly authorized by law, by R. S. sec. 1763, *ante*, sec. 1006.

Sec. 1009. (Act August 29, 1916, ch. 417.) Members of Naval Reserve Force not prevented from employment in branches of civil service.

No existing law shall be construed to prevent any member of the Naval Reserve Force from accepting employment in any branch of the public service, except as an officer or enlisted man in any branch of the military service of the United States or any State thereof, nor from receiving the pay and allowances incident to such employment in addition to his retainer pay. (39 Stat. 588.)

This was a paragraph of the naval service appropriation act for the fiscal year 1917, cited above.

Sec. 1010. (R. S. sec. 2687.) Compensation of officers, agents, and employees serving less than one year not to exceed the maximum pro rata rate provided by law.

Collectors and all other officers of the customs, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a pro rata of the maximum compensation of such officers respectively for the time only which they actually serve as such collectors or officers, whether the same be under one or more appointments, or before or after confirmation. And no collector or other officer shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum pro rata rate provided by law. And this section shall be applied and enforced in regard to all officers, agents, and employes of the United States whomsoever, as well those whose compensation is determined by a commission on disbursements, not to exceed an annual maximum, as those paid by salary or otherwise.

Act February 11, 1846, ch. 7, sec. 1, 9 Stat. 3. Act July 18, 1866, ch. 201, sec. 34, 14 Stat. 186.

Rules for division of time and computation of pay were prescribed by Act June 30, 1906, ch. 3914, sec. 6, *post*, sec. 1031.

Sec. 1011. (R. S. sec. 1764.) Compensation to officer or clerk for discharge of duties of another, or for extra services, unless authorized by law, forbidden.

No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

Act August 26, 1842, ch. 202, sec. 12, 5 Stat. 525.

Compensation to clerks for extra services was prohibited by R. S. sec. 170, *post*, sec. 1013.

Sec. 1012. (R. S. sec. 1765.) Additional pay or extra allowances to officers, unless authorized by law, forbidden.

No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

Act March 3, 1839, ch. 82, sec. 3, 5 Stat. 349. August 23, 1842, ch. 183, sec. 2, 5 Stat. 510. May 1, 1876, ch. 88, 19, Stat. 45.

A provision similar to that of this section was made by Act June 20, 1874, ch. 328, sec. 3, *post*, sec. 1014.

Compensation to officers or clerks for extra services was prohibited by R. S. sec. 1764, and R. S. sec. 170, *ante*, sec. 1011, *post*, sec. 1013.

Sec. 1013. (R. S. sec. 170.) Extra compensation to clerks prohibited.

No money shall be paid to any clerk employed in either Department at an annual salary, as compensation for extra services, unless expressly authorized by law.

Act March 3, 1863, ch. 97, sec. 3, 10 Stat. 209, 211. Act June 17, 1844, ch. 105, 5 Stat. 681, 687. Res. February 28, 1867, No. 30, sec. 2, 14 Stat. 569.

Other prohibitions of compensation for extra services, unless expressly authorized by law, were contained in R. S. secs. 1764, 1765, *ante*, secs. 1011, 1012.

Sec. 1014. (Act June 20, 1874, ch. 328, sec. 3.) Extra compensation or perquisites forbidden.

That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the treasury or property of the United States beyond his salary or compensation allowed by law. (18 Stat. 109.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1875, cited above.

A similar prohibition was contained in R. S. sec. 1765, *ante*, sec. 1012.

Sec. 1015. (Act August 1, 1914, ch. 223, sec. 12.) Additional compensation to persons employed under general or lump-sum appropriations, unlawful.

That it shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employments. (38 Stat. 680.)

These were provisions of the sundry civil appropriation act for the fiscal year 1915, cited above.

Sec. 1016. (Act March 4, 1923, ch. 293, sec. 1.) Additional compensation to employees.

That all civilian employees of the Governments of the United States and the District of Columbia who receive a total of compensation at the rate of \$2,500 per annum or less, except as otherwise provided in this Act, shall receive during the fiscal year end-

ing June 30, 1924, additional compensation at the rate of \$240 per annum: *Provided*, That such employees as receive a total of annual compensation at a rate more than \$2,500 and less than \$2,740 shall receive additional compensation at such rate per annum as may be necessary to make their salaries, plus their additional compensation, at the rate of \$2,740 per annum, and no employee shall receive additional compensation under this Act at a rate which is more than 60 per centum of the rate of the total annual compensation received by such employee: *Provided further*, That the increased compensation at the rate of \$240 per annum for the fiscal year ending June 30, 1923, shall not be computed as salary in construing this Act: *Provided further*, That where an employee in the service on June 30, 1922, has received during the fiscal year 1923, or shall receive during the fiscal year 1924, an increase of salary at a rate in excess of \$200 per annum, or where an employee whether previously in the service or not, has entered the service since June 30, 1922, whether such employee has received an increase in salary or not, such employee shall be granted the increased compensation provided herein only when and upon the certification of the person in the legislative branch or the head of the department or establishment employing such persons of the ability and qualifications personal to such employees as would justify such increased compensation. (42 Stat. 1557.)

This section and six sections next following were contained in an Act entitled "An Act making appropriations to provide additional compensation for certain civilian employees of the Government of the United States and the District of Columbia during the fiscal year ending June 30, 1924," cited above. Similar provisions for the five preceding fiscal years were made by previous appropriation Acts.

Sec. 1016a. (Act March 4, 1923, ch. 293, sec. 2.) Additional compensation to employees; employees excluded.

That the provisions of this Act shall not apply to the following:
 * * * employees whose pay is adjustable from time to time through wage boards or similar authority to accord with the commercial rates paid locally for the same class of service; * * * employees paid from lump-sum appropriations in bureaus, divisions, commissions, or any other governmental agencies or employments created by law since January 1, 1916; * * * employees whose duties require only a portion of their time, except charwomen, who shall be included; employees whose services are utilized for brief periods at intervals; persons employed by or through corporations, firms, or individuals acting for or on behalf of or as agents of the United States or any department or independent establishment of the Government of the United States in connection with construction work or the operation of plants; employees who receive a part of their pay from any outside sources under cooperative arrangements with the Government of the United States or the District of Columbia; employees who serve voluntarily or receive only a nominal compensation, and employees who may be provided with special allowances because of their service in foreign countries. (42 Stat. 1557.)

Sec. 1016b. (Act March 4, 1923, ch. 293, sec. 3.) Additional compensation to employees; restriction on double salaries not applicable.

That section 6 of the Legislative, Executive, and Judicial Appropriation Act approved May 10, 1916, as amended by the Naval Appropriation Act approved August 29, 1916, shall not operate to prevent anyone from receiving the additional compensation provided in this Act who otherwise is entitled to receive the same. (42 Stat. 1558.)

Section 6 of Act May 10, 1916, ch. 117, as amended by Act August 29, 1916, ch. 417, referred to in this section, is set forth, *ante*, sec. 1007.

Sec. 1016c. (Act March 4, 1923, ch. 293, sec. 4.) Additional compensation to employees; employees engaged in piecework, by the hour, or at per diem rates.

That such employees as are engaged on piecework, by the hour, or at per diem rates, if otherwise entitled to receive the additional compensation, shall receive the same at the rate to which they are entitled in this Act when their fixed rate of pay for the regular working hours and on the basis of three hundred and thirteen days in the said fiscal year would amount to \$2,500 or less: *Provided*, That this method of computation shall not apply to any per diem employees regularly paid a per diem for every day in the year. (42 Stat. 1558.)

Sec. 1016d. (Act March 4, 1923, ch. 293, sec. 6.) Additional compensation to employees; appropriation.

That to pay the additional compensation provided in this Act to employees of the Government of the United States, there are appropriated out of any money in the Treasury not otherwise appropriated, the following sums, respectively: * * * Department of Agriculture, \$3,353,280. (42 Stat. 1558.)

Sec. 1016e. (Act March 4, 1923, ch. 293, sec. 8.) Additional compensation to employees; employees under trust funds.

That so much as may be necessary to pay the increased compensation provided in this Act to persons employed under trust funds who may be construed to be employees of the Government of the United States or of the District of Columbia is authorized to be paid, respectively, from such trust funds. (42 Stat. 1559.)

Sec. 1016f. (Act March 4, 1923, ch. 293, sec. 9.) Additional compensation to employees; appropriations not to be exceeded.

That the additional compensation granted in this Act shall be applied by administrative officers in such a manner that the appropriations made herein will not be exceeded. (42 Stat. 1559.)

Sec. 1017. (Act March 3, 1875, ch. 133, sec. 1.) Actual traveling expenses only to be allowed.

That hereafter only actual travelling-expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States and their deputies; and all allowances for mileages and transportation in excess of the amount actually paid, except as above excepted, are hereby declared illegal; and no credit shall be allowed to any of the disbursing-officers of the United States for payment or allowances in violation of this provision. (18 Stat. 452.)

This was a provision of the army appropriation act for the fiscal year 1876, cited above. A like provision, without the word "hereafter," was contained in the similar act for the preceding fiscal year.

Officials and employees of the Department of Agriculture traveling on official business may be allowed railroad and steamboat fares, etc., but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, by Act August 10, 1912, ch. 284, *ante*, sec. 31.

Unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post, nor any sum for such expenses actually incurred in excess of \$5 per day, nor shall any allowance or reimbursement for subsistence be paid to any officer or employee of the United States unless absent from his designated post of duty, by Act April 6, 1914, ch. 52, sec. 1, *post*, sec. 1018.

The heads of departments were authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts by Act August 1, 1914, ch. 223, sec. 13, *post*, sec. 1019.

Restrictions on expenditures for passenger-carrying vehicles are not applicable to the hire of such vehicles necessary in the conduct of field work of the Department of Agriculture, by Act August 11, 1916, ch. 313, *ante*, sec. 142.

Sec. 1018. (Act April 6, 1914, ch. 52, sec. 1.) Expenses for subsistence while traveling on duty.

On and after July first, nineteen hundred and fourteen, unless otherwise expressly provided by law, no officer or employee of the United States shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of \$5 per day; nor shall any allowance or reimbursement for subsistence be paid to any officer or employee in any branch of the public service of the United States in the District of Columbia unless absent from his designated post of duty outside of the District of Columbia, and then only for the period of time actually engaged in the discharge of official duties. (38 Stat. 318.)

This was a paragraph of the deficiency appropriation act for the fiscal year 1914, cited above.

The heads of the executive departments, etc., are authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia, and away from their designated posts, by Act August 1, 1914, ch. 223, sec. 13, *post*, sec. 1019.

Officers and employees of the Department of Agriculture, when traveling on official business, may receive a per diem allowance in lieu of subsistence, by Act August 10, 1912, ch. 284, *ante*, sec. 31.

Sec. 1019. (Act August 1, 1914, ch. 223, sec. 13.) Expenses for subsistence in field work or traveling on official business; per diem allowance; estimates of appropriations to state rates.

That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. For the fiscal year nineteen hundred and sixteen and annually thereafter estimates of appropriations from

which per diem allowances are to be paid shall specifically state the rates of such allowances. (38 Stat. 680.)

These were provisions of the sundry civil appropriation act for the fiscal year 1915, cited above.

Unless otherwise expressly provided by law, no officer or employee shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on official duty outside of the District of Columbia and away from his designated post of duty, nor any sum for such expenses actually incurred in excess of \$5 per day, nor shall any allowance or reimbursement for subsistence be paid to any officer or employee of the United States in the District of Columbia, unless absent from his designated post of duty outside of the District of Columbia, by Act April 6, 1914, ch. 52, sec. 1, *ante*, sec. 1018.

Officials and employees of the Department of Agriculture traveling on official business may be allowed necessary railroad and steamboat fares, etc., but in lieu of subsistence and all other traveling expenses they may receive a per diem allowance, to be fixed by the Secretary in each case, by Act August 10, 1912, ch. 284, *ante*, sec. 31.

It was made the duty of the head of each department to submit to Congress at the beginning of each regular session a statement in detail as to the traveling expenses of officers and employees, by Act May 22, 1908, ch. 186, sec. 4, *post*, sec. 1134.

Sec. 1020. (R. S. sec. 850.) Expenses of clerks, etc., sent away as witnesses.

When any clerk or other officer of the United States is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage, or other compensation in addition to his salary, shall in any case be allowed.

Act February 26, 1853, ch. 80, sec. 3, 10 Stat. 167, 168.

Sec. 1021. (Act August 24, 1912, ch. 355, sec. 8.) Officers required to administer oaths to expense accounts; no charges or reimbursement therefor.

After June thirtieth, nineteen hundred and twelve, postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, chief clerks of the various executive departments and bureaus, or clerks designated by them for the purpose, the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, superintendent, acting superintendents, and principal clerks of the different Indian superintendencies or Indian agencies, and chiefs of field parties, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July first, nineteen hundred and twelve, no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (37 Stat. 487.)

This was a section of the sundry civil appropriation act for the fiscal year 1913, cited above.

Sec. 1022. (R. S. sec. 1778.) Taking oaths or acknowledgments before notaries public appointed in States, etc., or of circuit courts commissioners.

In all cases in which, under the laws of the United States, oaths or acknowledgments may now be taken or made before any justice of the peace of any State or Territory, or in the District of Columbia, they may hereafter be also taken or made by or before any notary public duly appointed in any State, district, or Territory, or any of the commissioners of the circuit courts, and, when certified under the hand and official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace.

Act September 16, 1850, ch. 52, 9 Stat. 458; Act July 29, 1854, ch. 159, sec. 1, 10 Stat. 315; Act June 22, 1874, ch. 390, sec. 20, 18 Stat. 186; Act August 15, 1876, ch. 304, 19 Stat. 206.

Sec. 1022a. (Act August 15, 1876, ch. 304.) Notaries public authorized to take depositions, etc., and acknowledgments and affidavits.

That notaries public of the several States, Territories, and the District of Columbia be, and they are hereby, authorized to take depositions, and do all other acts in relation to taking testimony to be used in the courts of the United States, take acknowledgments and affidavits, in the same manner and with the same effect as commissioners of the United States circuit court may now lawfully take or do. (19 Stat. 206.)

This was an act entitled "An act to provide for the appointment of commissioners for taking affidavits, etc., for the courts of the United States," cited above.

Sec. 1023. (Act March 18, 1904, ch. 716, sec. 3.) Restrictions on payment of expenses of horses, carriages, etc., for personal use of officers.

No part of any money appropriated by this or any other Act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for by this or any other Act other than the President of the United States, the heads of Executive Departments, and the Secretary to the President: *Provided*, That this provision shall not apply to officials outside of the District of Columbia in the performance of their public duties. This paragraph shall not take effect until July first, nineteen hundred and four. (33 Stat. 142.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1905, cited above. Further similar provisions, applicable only to officers or employees of the departments, etc., at Washington, D. C., were made in the similar act for the fiscal year next following, Act February 3, 1905, ch. 297, sec. 4, *post*, sec. 1024.

Sec. 1024. (Act February 3, 1905, ch. 297, sec. 4.) Restrictions on payment of expenses of carriages or vehicles for personal or official use; carriages and vehicles for official purposes to have thereon name of department, etc.

No part of any money appropriated by this or any other Act shall be used for purchasing, maintaining, driving, or operating any carriage or vehicle (other than those for the use of the President of the United States, the heads of the Executive Departments, and the Secretary to the President, and other than those used for trans-

portation of property belonging to or in the custody of the United States), for the personal or official use of any officer or employee of any of the Executive Departments or other Government establishments at Washington, District of Columbia, unless the same shall be specifically authorized by law or provided for in terms by appropriation of money, and all such carriages and vehicles so procured and used for official purposes shall have conspicuously painted thereon at all times the full name of the Executive Department or other branch of the public service to which the same belong and in the service of which the same are used. (33 Stat. 687.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1906, cited above.

Previous similar provisions of the similar act for the preceding fiscal year, Act March 18, 1904, ch. 716, sec. 3, are set forth *ante*, sec. 1023.

Other restrictions on purchase, etc., or operation of motor-propelled or horse-drawn passenger-carrying vehicles by Act July 16, 1914, ch. 141, sec. 5, are set forth *post*, sec. 1025.

Sec. 1025. (Act July 16, 1914, ch. 141, sec. 5.) Restrictions on payments for purchase, etc., or operation of motor-propelled or horse-drawn passenger-carrying vehicles; requirements as to estimates for appropriations therefor.

No appropriation made in this or any other Act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year nineteen hundred and fifteen there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year nineteen hundred and sixteen and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used. (38 Stat. 508.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1915, cited above.

The Secretary of Agriculture was required to make report to Congress showing amounts expended from lump-sum appropriations made available for maintenance, repair, and operation of passenger-carrying vehicles necessary in the conduct of field work of the Department outside the District of Columbia, by a provision of Act August 11, 1916, ch. 313, but said provision, and the provisions of this section, are not to be construed to apply to the hire of such vehicles or the maintenance, repair, or operation of such hired vehicles, by a further provision of said act, *ante*, sec. 142.

The prohibition of this section on expenditures for maintenance, repair, or operation of motor-propelled or horse-drawn vehicles is not applicable to vehicles transferred by the Secretary of War to the Department of Agriculture for the use of said department in the improvement of highways and roads, by Act March 15, 1920, ch. 100, sec. 6, *ante*, sec. 510.

Sec. 1026. (Act June 26, 1912, ch. 182, sec. 8.) Restriction on expenditures for membership fees or dues of government officers or employees in societies or associations, or for expenses of attendance at meetings or conventions thereof.

No money appropriated by this or any other Act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation. (37 Stat. 184.)

This was a section of the District of Columbia appropriation act for the fiscal year 1913, cited above.

These provisions are not to be construed to prohibit the payment of appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures, or giving of instruction, or acquiring information at meetings by its employees, on subjects relating to authorized work of the department, by Act March 4, 1913, ch. 145, *ante*, sec. 34.

Sec. 1027. (Act June 7, 1897, ch. 3, sec. 1.) Expenditures for transportation of remains of deceased employees not to be authorized, unless provided by law.

That hereafter the heads of Departments shall not authorize any expenditure in connection with transportation of remains of deceased employees, except when otherwise specifically provided by law. (30 Stat. 86.)

This was a provision of the Indian appropriation act for the fiscal year 1898, cited above.

Sec. 1028. (Act July 1, 1898, ch. 546, sec. 1.) Compensation for clerks or secretaries of retired officials, prohibited.

That hereafter no allowance or compensation for clerks or secretaries of officials of the United States retired from active service shall be authorized. (30 Stat. 644.)

This was a provision of the sundry civil appropriation act for the fiscal year 1899, cited above.

Sec. 1029. (Act February 24, 1899, ch. 187, sec. 4.) Civil pension roll, etc., prohibited.

The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the public service from the existing laws respecting employment in such service, is hereby prohibited. (30 Stat. 890.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1900, cited above.

Sec. 1030. (R. S. sec. 1766.) Payment to officers in arrears to the United States, forbidden.

No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall,

within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.

Act January 25, 1828, ch. 2, 4 Stat. 246. Act May 20, 1836, ch. 77, 5 Stat. 31.

Sec. 1031. (Act June 30, 1906, ch. 3914, sec. 6.) Annual or monthly compensation to persons in the service of the United States; rules for division of time and computation of pay.

Hereafter, where the compensation of any person in the service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited. (34 Stat. 763.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1907, cited above.

A previous similar but less specific provision relating to the same subject, made by Act April 28, 1904, ch. 1762, sec. 4, 33 Stat. 513, may be regarded as superseded by this section.

Sec. 1032. (Act March 3, 1917, ch. 163, sec. 1.) Receiving salary from source other than United States; punishment.

That on and after July first, nineteen hundred and nineteen, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$1,000 or imprisonment for not less than six months, or by both such fine and imprisonment as the court may determine. (39 Stat. 1106.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1918, cited above.

Officials or employees of the Department of Agriculture engaged in activities of the department involving cooperation with State, county, and municipal agencies, associations of farmers, individual farmers, universities, colleges, boards of trade, chambers of commerce, or other local associations of business men, business organizations, and individuals within the State, etc., in which such activities are to be carried on, and paid in whole or in part out of funds contributed from such sources, and the persons, corporations, or associations making such contributions, shall not be subject to these provisions, by Act July 24, 1919, ch. 26, *ante*, secs. 36, 37.

Sec. 1033. (Act September 7, 1916, ch. 458, sec. 1.) Compensation for disability or death of Government employees; wilful misconduct, etc., excepted.

That the United States shall pay compensation as hereafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death. (39 Stat. 742.)

This section and the thirty-seven sections next following were sections 1-29, 32, 35-40, and a part of section 41 of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," cited above.

Section 30 of this act provides for assistants, clerks, etc., for the Commission created to administer the act. Section 31 provides for the annual estimates of the Commission. Section 33 provides for reports to Congress by the Commission. Section 34 made an appropriation for carrying out the provisions of this act for the fiscal year 1917. A portion of section 41 omitted, and section 42 relates to employees of the Panama Railroad Company, the Panama Canal, and the Alaska Engineering Commission.

This act superseded Act May 30, 1908, ch. 236, 35 Stat. 556, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," and Act March 11, 1912, ch. 57, 37 Stat. 74, amendatory thereof and making said act applicable, in addition to the classes of persons therein designated, to any artisan, laborer, or other employee engaged in any hazardous work under the Forestry Service.

Sec. 1034. (Act September 7, 1916, ch. 458, sec. 2.) Time of accrual of right to compensation.

That during the first three days of disability the employee shall not be entitled to compensation except as provided in section nine. No compensation shall at any time be paid for such period. (39 Stat. 743.)

Section 9 of the act, mentioned in this section, is set forth, *post*, sec. 1041.

Sec. 1035. (Act September 7, 1916, ch. 458, sec. 3.) Compensation for total disability.

That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of his monthly pay, except as hereinafter provided. (39 Stat. 743.)

Sec. 1036. (Act September 7, 1916, ch. 458, sec. 4.) Compensation for partial disability; requirement of affidavit from employee.

That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to sixty-six and two-thirds per centum of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him. (39 Stat. 743.)

The commission, referred to in this section, was created by section 28 of this act. *post*, sec. 1059.

Sec. 1037. (Act September 7, 1916, ch. 458, sec. 5.) Partially disabled employee not entitled to compensation in case of refusal of suitable work.

That if a partially disabled employee refuses to seek suitable work or refuses or neglects to work after suitable work is offered to, procured by, or secured for him, he shall not be entitled to any compensation. (39 Stat. 743.)

Sec. 1038. (Act September 7, 1916, ch. 458, sec. 6.) Monthly compensation for total and for partial disability; increase of compensation on basis of expectancy of earning capacity; decrease on account of old age.

That the monthly compensation for total disability shall not be more than \$66.67 nor less than \$33.33, unless the employee's monthly pay is less than \$33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than \$66.67. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity. (39 Stat. 743.)

This commission, referred to in this section, was created by section 28 of this act. *post*, sec. 1059.

Sec. 1039. (Act September 7, 1916, ch. 458, sec. 7.) Person receiving compensation under Act not to receive other pay for services to government.

That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during

which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States. (39 Stat. 743.)

Sec. 1040. (Act September 7, 1916, ch. 458, sec. 8.) Time disability compensation begins for an employee having leave to his credit.

That if at the time the disability begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall begin on the fourth day of disability after the annual or sick leave has ceased. (39 Stat. 743.)

Sec. 1041. (Act September 7, 1916, ch. 458, sec. 9.) Medical, surgical, and hospital services to injured employees; transportation expenses.

That immediately after an injury sustained by an employee while in the performance of his duty, whether or not disability has arisen, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund. (39 Stat. 743.)

The commission, referred to in this section, was created by section 28 of this act, *post*, sec. 1059.

Sec. 1042. (Act September 7, 1916, ch. 458, sec. 10.) Monthly compensation to heirs in case of death of injured employee.

That if death results from the injury within six years the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, thirty-five per centum. This compensation shall be paid until her death or marriage.

(B) To the widower, if there is no child, thirty-five per centum if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto ten per centum for each child, not to exceed a total of sixty-six and two-thirds per centum for such widow or widower and children. If a child has a guardian other than the surviving widow or widower, the compensation payable on account of such child shall be paid to

such guardian. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, twenty-five per centum for one child and ten per centum additional for each additional child, not to exceed a total of sixty-six and two-thirds per centum, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per centum; if both are wholly dependent, twenty per centum to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per centum.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per centum to such dependent; if more than one are wholly dependent, thirty per centum, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per centum divided among such dependents share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of sixty-six and two-thirds per centum.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. The term "parent" includes step-

parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death. The terms "adopted" and "adoption" as used in this clause include only legal adoption prior to the time of the injury.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section, the monthly pay shall be considered not to be more than \$100 nor less than \$50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section twelve.

(L) If any persons entitled to compensation under this section, whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage he shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (39 Stat. 744.)

Sec. 1043. (Act September 7, 1916, ch. 458, sec. 11.) Payment to personal representative of burial expenses where death results within six years after injury; transportation of remains; restriction.

That if death results from the injury within six years the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed \$100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury. (39 Stat. 745.)

The commission, referred to in this section, was created by section 28 of this act, *post*, sec. 1059.

Sec. 1044. (Act September 7, 1916, ch. 458, sec. 12.) Computation of monthly pay of employee.

That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account. (39 Stat. 746.)

Sec. 1045. (Act September 7, 1916, ch. 458, sec. 13.) Computation of wage-earning capacity.

That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account. (39 Stat. 746.)

Sec. 1046. (Act September 7, 1916, ch. 458, sec. 14.) Payment of lump sum in certain cases; determination of amount.

That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than \$5 a month, or if the beneficiary is or is about to become a non-resident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per centum true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed sixty months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded. (39 Stat. 746.)

Sec. 1047. (Act September 7, 1916, ch. 458, sec. 15.) Notice of injury.

That every employee injured in the performance of his duty, or some one on his behalf, shall, within forty-eight hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail. (39 Stat. 746.)

Sec. 1048. (Act September 7, 1916, ch. 458, sec. 16.) Requisites of notice of injury.

That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice. (39 Stat. 746.)

Sec. 1049. (Act September 7, 1916, ch. 458, sec. 17.) Failure to give notice.

That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown, the commission may allow compensation if the notice is filed within one year after the injury. (39 Stat. 746.)

The commission referred to in this section was created by section 28 of this act, *post*, sec. 1059.

Sec. 1050. (Act September 7, 1916, ch. 458, sec. 18.) Written claim for compensation.

That no compensation under this Act shall be allowed to any person, except as provided in section thirty-eight, unless he or some one

on his behalf shall, within the time specified in section twenty, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate. (39 Stat. 746.)

The commission referred to in this section was created by section 28 of this act, *post*, sec. 1059.

Sec. 1051. (Act September 7, 1916, ch. 458, sec. 19.) Form and requisites of claim; waiver of requirements.

That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section. (39 Stat. 746.)

The commission referred to in this section was created by section 28 of this act, *post*, sec. 1059.

Sec. 1052. (Act September 7, 1916, ch. 458, sec. 20, as amended by Act June 13, 1922, ch. 219.) Time for making claims.

That all original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year. If the disability or death was the result of an injury sustained during the period of the Great War, and arising out of conditions due to the war, the commission may for any reasonable cause shown allow original claims of civilian employees of the Expeditionary Forces of the United States serving outside of the territory of the United States to be made at any time within one year after the passage of this Act. (39 Stat. 742; 42 Stat. 650.)

The commission referred to in this section was created by section 28 of this act, *post*, sec. 1059.

The amendment of this section consisted of the addition thereto of the last sentence.

Sec. 1053. (Act September 7, 1916, ch. 458, sec. 21.) Physical examination of injured employee; refusal to submit to examination.

That after the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act shall be

suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him. (39 Stat. 747.)

The commission referred to in this section was created by section 28 of this act, *post*, sec. 1059.

Sec. 1054. (Act September 7, 1916, ch. 458, sec. 22.) Disagreement between physicians.

That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician the commission shall appoint a third physician, duly qualified, who shall make an examination. (39 Stat. 747.)

Sec. 1055. (Act September 7, 1916, ch. 458, sec. 23.) Physicians' fees for examinations.

That fees for examinations made on the part of the United States under sections twenty-one and twenty-two by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section twenty-one, shall be paid out of the appropriation for the work of the commission. (39 Stat. 747.)

The commission referred to in this section was created by section 28 of this act, *post*, sec. 1059.

Sec. 1056. (Act September 7, 1916, ch. 458, sec. 24.) Report to Commission of injury to employee.

That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require. (39 Stat. 747.)

The commission referred to in this section was created by section 28 of this act, *post*, sec. 1059.

Sec. 1057. (Act September 7, 1916, ch. 458, sec. 25.) Assignment of claims for compensation.

That any assignment of a claim for compensation under this Act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors. (39 Stat. 747.)

Sec. 1057a. (Act September 7, 1916, ch. 458, sec. 26.) Subrogation of United States to employee's right of action against third party causing injury; assignment of right of action of employee; disposition of moneys collected from person liable for injuries.

If an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the commission may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the commission may require said beneficiary to prosecute said action in his own name.

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the commission, he shall not be entitled to any compensation under this Act.

The cause of action when assigned to the United States may be prosecuted or compromised by the commission, and if the commission realizes upon such cause of action, it shall apply the money or other property so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury. (39 Stat. 747.)

Sec. 1058. (Act September 7, 1916, ch. 458, sec. 27.) Adjustment of compensation in case of receipt by employee of money or property in satisfaction of liability of third person.

That if an injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him on account of the same injury. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States on account of the same injury. (39 Stat. 747.)

Sec. 1059. (Act September 7, 1916, ch. 458, sec. 28.) Creation of United States Employees' Compensation Commission; appointment; tenure; qualifications.

That a commission is hereby created, to be known as the United States Employees' Compensation Commission, and to be composed of three commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. No more than two of said commissioners shall be members of the same political party. One of said commissioners shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of six years. Each commissioner shall receive a salary of \$4,000 a year. The principal office

of said commission shall be in Washington, District of Columbia, but the said commission is authorized to perform its work at any place deemed necessary by said commission, subject to the restrictions and limitations of this Act. (39 Stat. 748.)

Sec. 1060. (Act September 7, 1916, ch. 458, sec. 28a.) Other commissions and bureaus having power to pay compensation discontinued; transfer of claims; reports from Departments to Commission; transfer of clerks and employees.

Upon the organization of said commission and notification to the heads of all executive departments that the commission is ready to take up the work devolved upon it by this Act, all commissions and independent bureaus, by or in which payments for compensation are now provided, together with the adjustment and settlement of such claims, shall cease and determine, and such executive departments, commissions, and independent bureaus shall transfer all pending claims to said commission to be administered by it. The said commission may obtain, in all cases, in addition to the reports provided in section twenty-four, such information and such reports from employees of the departments as may be agreed upon by the commission and the heads of the respective departments. All clerks and employees now exclusively engaged in carrying on said work in the various executive departments, commissions, and independent bureaus, shall be transferred to, and become employees of, the commission at their present grades and salaries. (39 Stat. 748.)

The commission, referred to in this section, was created by section 28 of this act, *ante*, sec. 1059.

Sec. 1061. (Act September 7, 1916, ch. 458, sec. 29.) Commission authorized and empowered to issue subpoenas and compel evidence.

That the commission, or any commissioner by authority of the commission, shall have power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the commission. (39 Stat. 748.)

The commission referred to in this section was created by section 28 of this act, *ante*, sec. 1059.

Sec. 1062. (Act September 7, 1916, ch. 458, sec. 32.) Commission authorized to make rules and regulations and decide questions under act.

The commission is authorized to make necessary rules and regulations for the enforcement of this Act, and to decide all questions arising under this Act. (39 Stat. 749.)

The commission referred to in this section was created by section 28 of this act, *ante*, sec. 1059.

Sec. 1063. (Act September 7, 1916, ch. 458, sec. 35.) Creation of employees' compensation fund; additions to fund; fund permanently appropriated for payment of compensation under act; estimates for maintenance of fund.

That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appro-

prate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section nine, and the transportation and burial expenses provided by sections nine and eleven. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund. (39 Stat. 749.)

Sec. 1064. (Act September 7, 1916, ch. 458, sec. 36.) Findings and award by the Commission; payment of compensation.

The commission, upon consideration of the claim presented by the beneficiary, and the report furnished by the immediate superior and the completion of such investigation as it may deem necessary, shall determine and make a finding of facts thereon and make an award for or against payment of the compensation provided for in this Act. Compensation when awarded shall be paid from the employees' compensation fund. (39 Stat. 749.)

The commission referred to in this section was created by section 28 of this act, *ante*, sec. 1059.

Sec. 1065. (Act September 7, 1916, ch. 458, sec. 37.) Review of awards by Commission.

That if the original claim for compensation has been made within the time specified in section twenty, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation. (39 Stat. 749.)

Sec. 1066. (Act September 7, 1916, ch. 458, sec. 38.) Cancellation of awards if paid by mistake; recovery of compensation paid.

That if any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund. (39 Stat. 749.)

The commission referred to in this section was created by section 28 of this act, *ante*, sec. 1059.

Sec. 1067. (Act September 7, 1916, ch. 458, sec. 39.) Penalty for perjury.

That whoever makes, in any affidavit required under section four or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. (39 Stat. 749.)

Sec. 1068. (Act September 7, 1916, ch. 458, sec. 40.) Definition of terms used in act.

That wherever used in this Act—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company.

The term "commission" shall be taken to refer to the United States Employees' Compensation Commission provided for in section twenty-eight.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury. (39 Stat. 750.)

Sec. 1069. (Act September 7, 1916, ch. 458, sec. 41.) Repeal of inconsistent acts; compensation for injuries occurring prior to passage of act.

That all Acts or parts of Acts inconsistent with this Act are hereby repealed: *Provided, however*, That for injuries occurring prior to the passage of this Act compensation shall be paid under the law in force at the time of the passage of this Act. (39 Stat. 750.)

See note to section 1 of this act, *ante*, sec. 1033.

Sec. 1070. (Act May 22, 1920, ch. 195, sec. 1, as amended by Act June 17, 1922, ch. 222.) Retirement of classified civil service employees; age and service eligibility; extension authorized; employees who may be excluded from operation of Act.

That beginning at the expiration of ninety days next following the passage of this Act, all employees in the classified civil service of the United States who have on that date, or shall have on any date thereafter, reached the age of seventy years and rendered at least fifteen years of service computed as prescribed in section 3 of this Act, shall be eligible for retirement on an annuity as provided in section 2 hereof: *Provided*, That mechanics, city and rural letter carriers, and post-office clerks shall be eligible for retirement at sixty-five years of age, and railway postal clerks at sixty-two years of age, if said mechanics, city and rural letter carriers, post-office clerks, and railway postal clerks shall have rendered at least fifteen years of service computed as prescribed in section 3 of this Act.

The provisions of this Act shall include superintendents of United States national cemeteries, employees of the Superintendent of the United States Capitol Building and Grounds, the Library of Congress, and the Botanic Gardens, excepting persons appointed by the President and confirmed by the Senate, and may be extended by Executive order, upon recommendation of the Civil Service Commission, to include any employee or group of employees in the civil service of the United States not classified at the time of the passage of this Act. The President shall have power, in his discretion, to exclude from the operation of this Act any employee or group of employees in the classified civil service whose tenure of office or employment is intermittent or of uncertain duration. (41 Stat. 614.)

This section and the fourteen sections next following were part of an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," cited above.

The words in this section, "all employees in the classified civil service of the United States" were construed by Act March 27, 1922, ch. 116, set forth, *post*, sec. 1084a.

The last two paragraphs of this section, omitted here, relate to employees of the municipal government of the District of Columbia and to postmasters and employees of the Lighthouse Service.

Sections 11 and 13 of the act were amended by Act February 14, 1922, ch. 51, and are set forth as so amended, *post*, secs. 1080, 1082.

The act was further amended by Act September 22, 1922, ch. 428, set forth, *post*, secs. 1084b-1084g.

Section 15 of the Act, omitted here, made an appropriation for carrying out its provisions and provided for annual estimates for future appropriations. Section 16, also omitted here, provided for the selection of actuaries and their duties and compensation.

Sec. 1071. (Act May 22, 1920, ch. 195, sec. 2, as amended by Act June 17, 1922, ch. 222.) Classification of employees and rates of annuities.

That for the purpose of determining the amount of annuity which retired employees shall receive, the following classifications and rates shall be established:

Class A; service of 30 years; rate 60 per cent of average annual salary for preceding 10 years; maximum and minimum.

Class A shall include all employees to whom this Act applies who shall have served the United States for a total period of thirty years or more. The annuity to a retired employee in this class shall equal 60 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$720 per annum or be less than \$360 per annum.

Class B; service between 27 and 30 years; rate 54 per cent of average annual salary for preceding 10 years; maximum and minimum.

Class B shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-seven years or more, but less than thirty years. The annuity to a retired employee in this class shall equal 54 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$648 per annum, or be less than \$324 per annum.

Class C; service between 21 and 27 years; rate, 48 per cent of average annual salary for preceding 10 years; maximum and minimum.

Class C shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-four years or more, but less than twenty-seven years. The annuity to a retired employee in this class shall equal 48 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$576 per annum, or be less than \$288 per annum.

Class D; service between 21 and 24 years; rate, 42 per cent of average annual salary for preceding 10 years; maximum and minimum.

Class D shall include all employees to whom this Act applies who shall have served the United States for a total period of twenty-one years or more, but less than twenty-four years. The annuity to a retired employee in this class shall equal 42 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$504 per annum, or be less than \$252 per annum.

Class E; service between 18 and 21 years; rate, 36 per cent of average annual salary for preceding 10 years; maximum and minimum.

Class E shall include all employees to whom this Act applies who shall have served the United States for a total period of eighteen years or more, but less than twenty-one years. The annuity to a retired employee in this class shall equal 36 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$432 per annum, or be less than \$216 per annum.

Class F; service between 15 and 18 years; rate, 30 per cent of average annual salary for preceding 10 years; maximum and minimum.

Class F shall include all employees to whom this Act applies who shall have served the United States for a total period of fifteen years or more, but less than eighteen years. The annuity to a retired employee in this class shall equal 30 per centum of such employee's average annual basic salary, pay, or compensation from the United States for the ten years next preceding the date on which he or she shall retire: *Provided*, That in no case shall an annuity in this class exceed \$360 per annum, or be less than \$180 per annum.

Class G; Charwomen, laborers, etc., on annual basis; maximum and minimum.

Class G shall include charwomen, laborers, and other employees whether classified or unclassified, who are employed on a regular annual basis and whose basic salary, pay, or compensation is at a rate less than \$600 per annum. The annuity to any retired employee shall be determined according to the method prescribed in the foregoing schedules, except that no annuity shall hereafter be granted to exceed the per centum nor the maximum provided for the respective periods of service. It is provided that this class of employees shall otherwise be subject to the provisions of the Act of May 22, 1920.

Bonuses, etc., excluded from basic salary.

The term "basic salary, pay, or compensation" wherever used in this Act shall be so construed as to exclude from the operation of the Act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the positions as fixed by law or regulation. (41 Stat. 614; 42 Stat. 651.)

The amendment of this section consisted of the insertion therein of the eighth paragraph.

Sec. 1072. (Act May 22, 1920, ch. 195, sec. 3.) Periods of all service included; deduction of period entitling to pension, etc.

That for the purposes of this Act and subject to the provisions of section 10 hereof, the period of service shall be computed from the date of original employment, whether as a classified or unclassified employee in the civil service of the United States, and shall include periods of service at different times and services in one or more departments, branches, or independent offices of the Government, and shall also include service performed under authority of the United States beyond seas, and honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States:

Provided, That in the case of an employee who is eligible for and elects to receive a pension under any law, or compensation under the War Risk Insurance Act, the period of his or her military or naval service upon which such pension or compensation is based shall not be included for the purpose of assignment to classes defined in section 2 hereof, but nothing contained in this Act shall be so construed as to affect in any manner his or her right to a pension, or to compensation under the War Risk Insurance Act, in addition to the annuity herein provided.

It is further provided that in computing length of service for the purposes of this Act all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded, and that in the case of substitutes in the Postal Service only periods of active employment shall be included. (41 Stat. 615.)

Sec. 1073. (Act May 22, 1920, ch. 195, sec. 4.) Administration of act by Commissioner of Pensions; rules and regulations; appeals to Secretary of the Interior.

That for the purpose of administration, except as otherwise provided herein, the Commissioner of Pensions, under the direction of the Secretary of the Interior, be, and is hereby, authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. An appeal to the Secretary of the Interior shall lie from the final action or order of the Commissioner of Pensions affecting the rights or interests of any person or of the United States under this Act, the procedure on appeal to be as prescribed by the Commissioner of Pensions, with the approval of the Secretary of the Interior. (41 Stat. 616.)

Sec. 1074. (Act May 22, 1920, ch. 195, sec. 5.) Allowance of disability annuity before reaching retirement age; medical examination required.

That any employee to whom this Act applies who shall have served for a total period of not less than fifteen years, and who, before reaching the retirement age as fixed in section 1 hereof, becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on the part of the employee, shall upon his or her own application or upon the request or order of the head of the department, branch, or independent office concerned, be retired on an annuity under the provisions of section 2 hereof: *Provided, however*, That no employee shall be retired under the provisions of this section until examined by a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose and found to be disabled in the degree and in the manner specified herein.

Annual examinations required unless disability permanent; annuity discontinued on recovery; payments suspended on failure to be examined; special examinations.

Every annuitant retired under the provisions of this section, unless the disability for which retired is permanent in character,

shall, at the expiration of one year from the date of such retirement and annually thereafter until reaching the retirement age as defined in section 1 hereof, be examined under direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any; if the annuitant recovers and is restored to his or her former earning capacity before reaching the retirement age, payment of the annuity shall be discontinued from the date of the medical examination showing such recovery; if the annuitant fails to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability has been satisfactorily established. The Commissioner of Pensions is hereby authorized to order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section.

Fees for medical examinations.

Fees for examinations made under the provisions of this section by physicians or surgeons who are not medical officers of the United States shall be fixed by the Commissioner of Pensions, and such fees, together with the employee's reasonable traveling and other expenses incurred in order to submit to such examinations, shall be paid out of the appropriations for the cost of administering this Act.

Difference between contribution and amount received to be paid in cases of discontinuance of annuities.

In all cases where the annuity is discontinued under the provisions of this section before the annuitant has received a sum equal to the total amount of his or her contributions with accrued interest, the difference shall be paid to the retired employee, or to his or her estate, upon application therefor in such form and manner as the Commissioner of Pensions may direct.

No annuity if receiving compensation for injuries for same period; choice of greater benefit allowed.

No person shall be entitled to receive an annuity under the provisions of this Act, and compensation under the provisions of the Act of September 7, 1916, entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," covering the same period of time; but this provision shall not be so construed as to bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period of time. (41 Stat. 616.)

Act September 7, 1916, ch. 458, 39 Stat. 742, mentioned in this section, is set forth, *ante*, secs. 1033-1069.

Sec. 1075. (Act May 22, 1920, ch. 195, sec. 6.) Automatic separation from service on reaching retirement age; notification of employees; restriction on replacing employees; temporary retention on certification by head of department, etc.; final separation.

That all employees to whom this Act applies shall, upon the expiration of ninety days next succeeding its passage, if of retirement

age, or thereafter on arriving at retirement age as defined in section 1 hereof, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government to notify such employees under his direction of the date of such separation from the service at least sixty days in advance thereof: *Provided*, That no person employed in the executive departments within the District of Columbia, retired under the provisions of this Act during the fiscal year ending June 30, 1921, shall be replaced by additional employees, but if the exigencies of the service so require, places made vacant by such retirement may be filled by promotion or transfer of eligible employees already in the service: *Provided*, That if within sixty days after the passage of this Act or not less than thirty days before the arrival of an employee at the age of retirement, the head of the department, branch, or independent office of the Government in which he or she is employed certifies to the Civil Service Commission that by reason of his or her efficiency and willingness to remain in the civil service of the United States the continuance of such employee therein would be advantageous to the public service, such employee may be retained for a term not exceeding two years upon approval and certification by the Civil Service Commission, and at the end of the two years he or she may, by similar approval and certification, be continued for an additional term not exceeding two years, and so on: *Provided, however*, That at the end of ten years after this Act becomes effective no employee shall be continued in the civil service of the United States beyond the age of retirement defined in section 1 hereof for more than four years. (41 Stat. 617.)

Sec. 1076. (Act May 22, 1920, ch. 195, sec. 7.) Applications for annuities by employees; certificate by head of department, etc.; if service continued beyond retirement age; compulsory retirement not prevented.

That every employee who is or hereafter becomes eligible for retirement because of age as provided in this Act, shall, within sixty days after its passage or thirty days before reaching the retirement age, or at any time thereafter, file with the Commissioner of Pensions, in any such form as he may prescribe, an application for an annuity, supported by a certificate from the head of the department, branch, or independent office of the Government in which the applicant has been employed, stating the age and period or periods of service of the applicant and salary, pay, or compensation received during such periods, as shown by the official records: *Provided, however*, That in the case of an employee who is to be continued in the civil service of the United States beyond the retirement age as provided in section 6 hereof, he or she may make application for retirement at any time within such period of continuance in the service; but nothing contained in this Act shall be construed to prevent the compulsory retirement of such employee when in the judgment of the head of the department, branch, or independent office in which he or she is employed such retirement would promote the best interests of the service.

Issue of retirement certificate.

Upon receipt of satisfactory evidence the Commissioner of Pensions shall forthwith adjudicate the claim of the applicant, and if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Department of the Interior.

Commencement of annuities; disability annuities.

Annuities granted under this Act for retirement on account of age shall commence from the date of separation from the service on or after the date this Act shall take effect, and shall continue during the life of the annuitant. Annuities granted for disability under the provisions of section 5 hereof shall be subject to the limitations specified in said section. (41 Stat. 617.)

Sec. 1077. (Act May 22, 1920, ch. 195, sec. 8.) Monthly deductions from salaries $2\frac{1}{2}$ per centum; transfer to special fund; appropriation of fund for payment of annuities, etc.

That beginning on the first day of the third month next following the passage of this Act and monthly thereafter there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this Act applies a sum equal to $2\frac{1}{2}$ per centum of such employee's basic salary, pay, or compensation. The Secretary of the Treasury shall cause the said deductions to be withheld from all specific appropriations for the particular salaries or compensation from which the deductions are made and from all allotments out of lump-sum appropriations for payments of such salaries or compensation for each fiscal year, and said sums shall be transferred on the books of the Treasury Department to the credit of a special fund to be known as "the civil-service retirement and disability fund," and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in this Act.

Investment of unused portion of fund; income to constitute part of fund for annuities, etc.

The Secretary of the Treasury is hereby directed to invest from time to time, in interest-bearing securities of the United States, such portions of the "civil-service retirement and disability fund" hereby created as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances as herein provided, and the income derived from such investments shall constitute a part of said fund for the purpose of paying annuities and of carrying out the provisions of section 11 of this Act.

Acceptance and application authorized of donations, etc., to fund.

The Secretary of the Treasury is hereby authorized and empowered in carrying out the provisions of this Act to supplement the individual contributions of employees with moneys received in the form of donations, gifts, legacies, bequests, or otherwise, and to receive, invest, and disburse for the purposes of this Act all moneys which may be contributed by private individuals or corporations or organizations for the benefit of civil-service employees generally or any special class of employees. (41 Stat. 618.)

Sec. 1078. (Act May 22, 1920, ch. 195, sec. 9.) Consent to deductions from pay inferred; payment a full discharge for services except annuities.

That every employee coming within the provisions of this Act shall be deemed to consent and agree to the deductions from salary, pay, or compensation as provided in section 8 hereof, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services rendered by such employee during the period covered by such payment, except the right to the benefits to which he or she shall be entitled under the provisions of this Act, notwithstanding the provisions of sections 167, 168, and 169 of the Revised Statutes of the United States, and of any other law, rule, or regulation affecting the salary, pay, or compensation of any person or persons employed in the civil service to whom this Act applies. (41 Stat. 618.)

Sections 167, 168, and 169 of the Revised Statutes, mentioned in this section, are set forth *ante*, secs. 982-984.

Sec. 1079. (Act May 22, 1920, ch. 195, sec. 10.) Credit for services subsequent to act, upon deposit of deductions; services rendered prior to act.

That upon the transfer of any employee from an unclassified to a classified status, or upon the reinstatement of a former employee, credit for past service rendered subsequent to the date this Act shall take effect, or for any part thereof, shall be granted only upon deposit with the Treasurer of the United States of the amount of such deductions with interest as provided in this Act as would have been made for the periods of actual service, or part thereof, for which credit is to be given, but such interest shall not be computed for periods of separation from the service: *Provided*, That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to the date this Act shall become operative, and to which he or she would otherwise be entitled. (41 Stat. 618.)

Sec. 1080. (Act May 22, 1920, ch. 195, sec. 11, as amended by Act February 14, 1922, ch. 51.) Return of pay deductions on transfer to unclassified status, or separation from service before retirement age; redeposit upon reinstatement or retransfer; payment if annuitant die before receiving total deductions; payment of deductions if employees die before retirement age; records by departments; appropriation for return of deductions; regulations relating to deductions.

That in the case of an employee in the classified civil service of the United States who shall be transferred to an unclassified position, and in the case of any employee to whom this Act applies who shall become absolutely separated from the service before becoming eligible for retirement on an annuity, the total amount of deductions of salary, pay, or compensation with accrued interest computed at the rate of 4 per centum per annum, compounded on June 30 of each fiscal year, shall, upon application, be returned to such employee: *Provided*, That all money so returned to an employee must be redeposited with interest before such employee may derive any benefit under the provisions of this Act, upon reinstatement or retransfer to a classified position; and in case an annuitant shall die without having received in annuities an amount

equal to the total amount of the deductions from his or her salary, pay, or compensation, together with interest thereon at 4 per centum per annum compounded as herein provided up to the time of his or her death, the excess of the said accumulated deductions over the said annuity payments shall be paid in one sum to his or her legal representatives upon the establishment of a valid claim therefor; and in case an employee shall die without having reached the retirement age or without having established a valid claim for annuity, the total amount of deductions with accrued interest as herein provided shall be paid to the legal representatives of such employee: *Provided*, That if in case of death the amount of deductions to be paid under the provisions of this section does not exceed \$300, and if there has been no demand upon the Commissioner of Pensions by a duly appointed executor or administrator, the payment may be made, after the expiration of three months from date of death, to such person or persons as may appear in the judgment of the Commissioner of Pensions to be legally entitled to the proceeds of the estate, and such payment shall be a bar to recovery by any other person.

Each executive department, and each independent establishment of the Government not within the jurisdiction of any executive department, shall establish and maintain such record as will enable it to determine the amount deducted within each fiscal year from the basic salary, pay or compensation of each employee within its jurisdiction to whom this Act applies. When such employee is transferred from one office to another a certified abstract of his official record shall be transmitted to the office to which the transfer is made.

When application is made to the Commissioner of Pensions for return of deductions and accrued interest, as provided in this section, such application shall be accompanied by a certificate from the proper officer showing the complete record of deductions, by fiscal years, and other data necessary to the proper adjustment of the claim.

The Commissioner of Pensions, with the approval of the Secretary of the Interior, shall establish rules and regulations for crediting and reporting deductions and for computing interest hereunder. (41 Stat. 619; 42 Stat. 364.)

The amendment of this section consisted in the addition of the three last paragraphs.

Sec. 1081. (Act May 22, 1920, ch. 195, sec. 12.) Monthly payment of annuities; issue of checks.

That annuities granted under the terms of this Act shall be due and payable monthly on the first business day of the month following the month or other period for which the annuity shall have accrued, and payment of all annuities, refunds, and allowances granted hereunder shall be made by checks drawn and issued by the disbursing clerk for the payment of pensions in such form and manner and with such safeguards as shall be prescribed by the Secretary of the Interior in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments. (41 Stat. 619.)

Sec. 1082. (Act May 22, 1920, ch. 195, sec. 13, as amended by Act February 14, 1922, ch. 51.) Reports to Civil Service Commission by heads of departments of employees in nonpay status; record of individual services to be kept by Civil Service Commission; reports of data to Commissioner of Pensions.

That it shall be the duty of the head of each executive department and the head of each independent establishment of the Government not within the jurisdiction of any executive department to report to the Civil Service Commission, in such manner as said commission may prescribe, the name and grade of each employee to whom this Act applies in or under said department or establishment who shall be at any time in a nonpay status, showing the dates such employee was in a nonpay status, and the amount of salary, pay, or compensation lost by the employee by reason of such absence. The Civil Service Commission shall keep a record of appointments, transfers, changes in grade, separations from the service, reinstatements, loss of pay, and such other information concerning individual service as may be deemed essential to a proper determination of rights under this Act, and shall furnish the Commissioner of Pensions such reports therefrom as he shall from time to time request as necessary to the proper adjustment of any claim for annuity hereunder, and shall prepare and keep all needful tables and records required for carrying out the provisions of this Act, including data showing the mortality experience of the employees in the service and the percentage of withdrawal from such service, and any other information that may serve as a guide for future valuations and adjustments of the plan for the retirement of employees under this Act.

Report by Commissioner of Pensions of receipts, disbursements, etc.

The Commissioner of Pensions shall make a detailed comparative report annually showing all receipts and disbursements on account of refunds, allowances, and annuities, together with the total number of persons receiving annuities and the amounts paid them. (41 Stat. 619, 42 Stat. 365.)

The only change made in this section by the amending act was the insertion of the words "for annuity" in the last sentence of the first paragraph.

Sec. 1083. (Act May 22, 1920, ch. 195, sec. 14.) Moneys not assignable or subject to attachment, etc.

That none of the moneys mentioned in this Act shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process. (41 Stat. 620.)

Sec. 1084. (Act May 22, 1920, ch. 195, sec. 17.) Inconsistent laws repealed.

That all laws and parts of laws inconsistent with this Act are hereby repealed. 41 Stat. 620.)

Sec. 1084a. (Act March 27, 1922, ch. 116.) Employees eligible for retirement.

That in the administration of the civil service retirement Act approved May 22, 1920, the expression "all employees in the classified civil service of the United States," as used in section 1 thereof shall be construed to include all persons who have been heretofore or who may hereafter be given a competitive status in the classified civil

service, with or without competitive examinations, by legislative enactment, or under the civil service rules promulgated by the President, or by Executive orders covering groups of employees with their positions into the competitive classified service or authorizing the appointment of individuals to positions within such service.

The expression "classified civil service" as the same occurs in other Acts of Congress shall receive a like construction to that herein given. (42 Stat. 470.)

This was an act construing the expression "all employees of the classified civil service of the United States," as used in Act May 22, ch. 195, sec. 1, *ante*, sec. 1070.

Sec. 1084b. (Act September 22, 1922, ch. 428, sec. 1.) Annuities to employees involuntarily separated from service before reaching retirement age; deductions.

That the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, is hereby amended as follows:

That any employee fifty-five years of age or over to whom the Act of May 22, 1920, applies, who shall have served for a total period of not less than fifteen years and who, before reaching the retirement age as fixed in section 1 of said Act shall become involuntarily separated from the service, unless removed for cause on charges of misconduct or delinquency preferred against him, shall be granted an annuity certificate in the manner provided in section 7 of said Act which will entitle said employee, upon reaching retirement age, to an annuity as provided in section 2 thereof equal to the annuity he would have received upon such separation from the service had he been of full retirement age: *Provided*, That the deductions made under the provisions of section 8 of said Act of May 22, 1920, from such employee's salary, pay, or compensation prior to separation from the service shall remain in the "civil service retirement and disability fund" subject to the provisions of section 11 of said Act governing the return of deductions in the case of a deceased annuitant or employee. (42 Stat. 1047.)

This section and the five sections next following were an act entitled "An Act to amend an act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes, approved May 22, 1920.'"

Act May 22, 1920, ch. 195, referred to in this section, is set forth. *ante*, secs. 1070-1084.

Sec. 1084c. (Act September 22, 1922, ch. 428, sec. 2.) Immediate annuity in lieu of deferred annuity to employees involuntarily separated from service before reaching retirement age; conditions and computation.

That any employee coming within the provisions of section 1 of this Act shall have the right to apply for an immediate annuity in lieu of deferred annuity at the age of retirement; and if otherwise entitled, such immediate annuity shall be granted under the following conditions:

If the employee is eligible for retirement upon reaching the age of seventy years, his immediate annuity is to be found by multiplying the annuity which he would receive were he then seventy years of age by the decimal 0.951945 raised to a power the exponent of which

is the number of years his age at such separation from the service is less than seventy years.

For mechanics, city and rural letter carriers, and post-office clerks, who are eligible for retirement at sixty-five years of age, the immediate annuity is found by deducting $\frac{47}{900}$ of the annuity he would receive were he then sixty-five years of age for each year his age at such separation is less than sixty-five years.

For railway postal clerks, who are eligible for retirement at sixty-two years of age, the immediate annuity is to be found by deducting $\frac{47}{630}$ of the annuity he would receive were he then sixty-two years of age for each year his age at separation is less than sixty-two years.

For the purpose of computing annuities as provided in this section fractional parts of a year in respect to the age of the applicant shall be disregarded. (42 Stat. 1047.)

See notes to section 1 of this act, *ante*, sec. 1084b.

Sec. 1084d. (Act September 22, 1922, ch. 423, sec. 3.) Rights to annuity terminated upon reemployment of employees involuntarily separated from service before reaching retirement age.

That in case such former employee be reemployed by the Government in a position affected by the provisions of the Act of May 22, 1920, the annuity certificate issued under the provisions of this Act shall be canceled and all rights and benefits under this Act shall terminate from and after the date of such reemployment. (42 Stat. 1048.)

See notes to section 1 of this act, *ante*, sec. 1084b.

Sec. 1084e. (Act September 22, 1922, ch. 423, sec. 4.) Application of act to employees separated from service subsequent to August 20, 1920.

That this Act shall include former employees coming within the provisions of the Act of May 22, 1920, who have been separated from the service subsequent to August 20, 1920, under the conditions defined in section 1 hereof: *Provided*, That in the case of an employee who has withdrawn from the "civil service retirement and disability fund" his deductions under the provisions of section 11 of the Act of May 22, 1920, such employee shall be required to return the amount so withdrawn with interest compounded at the rate of 4 per centum per annum before he shall be entitled to the benefits of this Act. (42 Stat. 1048.)

See notes to section 1 of this act, *ante*, sec. 1084b.

Sec. 1084f. (Act September 22, 1922, ch. 423, sec. 5.) Credit for service but no annuity to employees continued in service without approval of Commission or reemployment subsequent to retirement; removal of suspension of annuity.

That any employee otherwise entitled to the benefits of the Act of May 22, 1920, who, prior to the passage of this Act, has been continued in the service without the approval of the Civil Service Commission as provided in section 6 thereof, or, who has been reemployed in the civil service subsequent to retirement, shall be entitled to credit for such subsequent service and to receive salary, pay, or compensation therefor at the regular rates, but shall not be entitled to annuity covering the same time; and this Act shall operate as a direction to the Commissioner of Pensions to remove suspension of annuity in

all such cases, and shall be warrant for the proper fiscal officer of the Government to make payment or adjustment of salary, pay, or compensation earned by such employee. (42 Stat. 1048.)

See notes to section 1 of this act, *ante*, sec. 1084b.

Sec. 1084g. (Act September 22, 1922, ch. 428, sec. 6.) Disability retirement not affected.

That nothing contained in this Act shall modify the provisions of section 5 of the Act of May 22, 1922. (42 Stat. 1048.)

See notes to section 1 of this act, *ante*, sec. 1084b.

Sec. 1085. (R. S. sec. 183, as amended by Act March 2, 1901, ch. 809, sec. 3; Act February 13, 1911, ch. 43.) Officers or clerks investigating frauds authorized to administer oaths to witnesses.

Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps or Revenue-Cutter Service, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Revenue-Cutter Service board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

Res. April 10, 1869, No. 15, sec. 2, 16 Stat. 55; Act March 7, 1870, ch. 23, 16 Stat. 75; Act March 2, 1901, ch. 809, sec. 3, 31 Stat. 951; Act February 13, 1911, ch. 43, 36 Stat. 898.

The amendments consisted principally in the insertion of the clauses adding to the officers or clerks authorized to administer oaths to witnesses, officers of the Army, Navy, Marine Corps, and Revenue-Cutter Service.

Sec. 1086. (R. S. sec. 1784.) Prohibition of contributions, presents, etc., to superiors; discharge for violations.

No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employés in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.

Act February 1, 1870, ch. 11, 16 Stat. 63.

Sec. 1087. (Act August 15, 1876, ch. 237, sec. 6.) Officer or employees prohibited from requesting, giving to, or receiving from any other officer or employee money, etc., for political purposes; discharge from service and punishment for violation.

That all executive officers or employees of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employee of the Government, any money or property or other thing of value for political purposes; and any such officer or employee, who shall offend against the provisions of this section shall be at once discharged from the service of the United

States; and he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred dollars. (19 Stat. 169.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1877, cited above.

The provision of this section for punishment as a misdemeanor of any offense against its provisions was superseded by the more comprehensive provisions of the Civil Service Act of January 16, 1883, ch. 27, secs. 11-15, 22 Stat. 406, 407, which were incorporated in the Criminal Code, Act March 4, 1909, ch. 321, secs. 118-122, *post*, secs. 1093-1097, and were repealed by section 341 of said Code.

Persons in the classified service are not to be removed or otherwise prejudiced for refusal to contribute to political funds, by Act January 16, 1883, ch. 27, sec. 2, *ante*, sec. 927.

Sec. 1088. (Act March 4, 1909, ch. 321, sec. 21.) Conspiring to prevent officer from performing duties; punishment.

If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, District, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than five thousand dollars, or imprisoned not more than six years, or both. (35 Stat. 1092.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5518, which section is expressly repealed by section 341 of said Code.

Sec. 1090. (Act March 4, 1909, ch. 321, sec. 32.) Falsely pretending to be United States officer; punishment.

Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any Department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any Department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both. (35 Stat. 1095.)

This was a section of the Criminal Code, cited above, incorporating therein provisions of R. S. sec. 5438, and Act April 18, 184, ch. 26, 23 Stat. 11. Said R. S. sec. 5438, and Act April 18, 1884, are expressly repealed by section 341 of said Code.

Sec. 1091. (Act March 4, 1909, ch. 321, sec. 39.) Bribery of United States official; punishment.

Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or

to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of his money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years. (35 Stat. 1096.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5451, which section is expressly repealed by section 341 of said Code.

Sec. 1092. (Act March 4, 1909, ch. 321, sec. 85.) Extortion by officers, clerks, etc., of United States; punishment.

Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (35 Stat. 1104.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5481, as amended by Act. June 28, 1906, ch. 3574, 34 Stat. 546, which said section as amended is expressly repealed by section 341 of said Code.

Sec. 1093. (Act March 4, 1909, ch. 321, sec. 118.) Officers, clerks, or employees prohibited from soliciting, receiving, etc., contributions for political purposes from any other officer, clerk, or employee, etc.

No Senator or Representative in, or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States. (35 Stat. 1110.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of section 11 of Act January 16, 1883, ch. 27, 22 Stat. 406, which section is expressly repealed by section 341 of said Code.

Sec. 1094. (Act March 4, 1909, ch. 321, sec. 119.) Soliciting or receiving contributions for political purposes in public office, prohibited.

No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy-yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever. (35 Stat. 1110.)

This was a section of the Criminal Code, cited above, incorporated therein the provisions of section 12 of Act January 16, 1883, ch. 27, 22 Stat. 407, which section is expressly repealed by section 341 of said Code.

Sec. 1095. (Act March 4, 1909, ch. 321, sec. 120.) Discharge, promotion, degrading, etc., officers or employees for giving, withholding, or neglecting to make contributions for political purposes, prohibited.

No officer or employee of the United States mentioned in section one hundred and eighteen, shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. (35 Stat. 1110.)

This was a section of the criminal Code, cited above, incorporating therein the provisions of section 13 of Act January 16, 1883, ch. 27, 22 Stat. 407, which section is expressly repealed by section 341 of said Code.

Sec. 1096. (Act March 4, 1909, ch. 321, sec. 121.) Officers, clerks, etc., prohibited from making contributions for political purposes to any other officer, clerk, etc.

No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. (35 Stat. 1110.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of section 14 of Act January 16, 1883, ch. 27, 22 Stat. 407, which section is expressly repealed by section 341 of said Code.

Sec. 1097. (Act March 4, 1909, ch. 321, sec. 122.) Punishment for violations of four preceding sections.

Whoever shall violate any provision of the four preceding sections shall be fined not more than five thousand dollars, or imprisoned not more than three years, or both. (35 Stat. 1110.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of section 15 of Act January 16, 1883, ch. 27, 22 Stat. 407, which section is expressly repealed by section 341 of said Code.

Sec. 1098. (Act July 11, 1919, ch. 6, sec. 6.) Restriction on influencing Members of Congress as to legislation; communication on request not prevented; removal of offending officer, etc.; punishment for violations.

That hereafter no part of the money appropriated by this or any other Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or

other device, intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers and employees of the United States from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him, is found to have violated or attempted to violate this section, shall be removed by such superior officer from office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or both. (41 Stat. 68.)

This was a section of the deficiency appropriation act for the fiscal year 1919, cited above.

The right of persons employed in the civil service, either individually or collectively, to petition Congress or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with, by Act August 24, 1912, ch. 389, sec. 6, *ante*, sec. 974.

Sec. 1099. (Act March 4, 1909, ch. 321, sec. 104.) Officials purchasing claims for fees, etc., at less than face value; punishment.

Whoever, being a judge, clerk, or deputy clerk of any court of the United States, or of any territory thereof, or a United States district attorney, assistant attorney, marshal, deputy marshal, commissioner, or other person holding any office or employment, or position of trust or profit under the Government of the United States shall, either directly or indirectly, purchase at less than the full face value thereof, any claim against the United States for the fee, mileage, or expenses of any witness, juror, deputy marshal, or any other officer of the court whatsoever, shall be fined not more than one thousand dollars. (35 Stat. 1107.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of Act February 25 1897, ch. 316, which said act is expressly repealed by section 341 of said Code.

Sec. 1100. (Act March 4, 1909, ch. 321, sec. 109.) Officers interested in claims against the United States; punishment.

Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of

such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both. (35 Stat. 1107.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5498, which section is expressly repealed by section 341 of said Code.

It is made unlawful for any officer, clerk, or employee in any of the departments to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in such department while he was such officer, clerk, or employee, within two years next after he has ceased to be such officer, clerk, or employee, by R. S. sec. 190, *post*, sec. 1391.

Sec. 1101. (Act March 4, 1909, ch. 321, sec. 113.) Officers, clerks, or employees receiving pay in matters affecting United States; punishment.

Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States. (35 Stat. 1109.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 1782, which section is expressly repealed by section 341 of said Code.

Sec. 1102. (Act March 4, 1909, ch. 321, sec. 117.) Official accepting bribe; punishment.

Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive, any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States. (35 Stat. 1109.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. secs. 5501, 5502, which sections are expressly repealed by section 341 of said Code.

Sec. 1103. (Act March 4, 1909, ch. 321, sec. 131.) Bribery of officer authorized to determine any question, etc.; punishment.

Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than twenty thousand dollars, or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States. (35 Stat. 1112.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5449, which section is expressly repealed by section 341 of said Code.

Sec. 1104. (Act March 4, 1909, ch. 321, sec. 133.) Officer authorized to determine any question, etc., accepting bribe; punishment.

Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby, or because of any such vote, opinion, action, judgment, or decision, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both. (35 Stat. 1112.)

This was a section of the Criminal Code, cited above.

Sec. 1105. (Act March 4, 1909, ch. 321, sec. 106.) Officer making false certificate; punishment.

Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. (35 Stat. 1107.)

This was a section of the Criminal Code, cited above.

Sec. 1106. (Act March 4, 1909, ch. 321, sec. 123.) Officials, etc., giving advance information of crop reports; punishment; actual knowledge required.

Whoever, being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of the department or office required to be withheld from publication

until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by buying or selling the same in any quantity, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both: *Provided*, That no person shall be deemed guilty of a violation of any such rule, unless prior to such alleged violation he shall have had actual knowledge thereof. (35 Stat. 1110.)

This was a section of the Criminal Code, cited above.

Sec. 1107. (Act March 4, 1909, ch. 321, sec. 124.) Officer or employee issuing false crop reports; punishment.

Whoever, being an officer or employee of the United States and whose duties require the compilation or report of statistics or information relative to the products of the soil, shall knowingly compile for issuance, or issue, any false statistics or information as a report of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. (35 Stat. 1111.)

This was a section of the Criminal Code, cited above.

Sec. 1108. (Act March 4, 1909, ch. 321, sec. 102.) Officer, agent or employee aiding in obscene literature trade, etc.; punishment.

Whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in violating any provision of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail, obscene or indecent publications, or representations, or means for preventing conception or producing abortion, or other article of indecent or immoral use or tendency, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. (35 Stat. 1107.)

This was a section of the Criminal Code, cited above, incorporating therein section 17 of the Tariff Act of July 24, 1897, ch. 11, 30 Stat. 209, which section was repealed by section 341 of the Criminal Code; but it was reenacted in the same language in the Tariff Act of August 5, 1909, ch. 6, sec. 10, 36 Stat. 86, and again in the Tariff Act of October 3, 1913, ch. 16, sec. IV, G., subsec. 2, 38 Stat. 195, to read as follows:

"That whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than \$5,000, or by imprisonment at hard labor for not more than ten years, or both."

Sec. 1109. (Act June 15, 1917, ch. 30, Title X, sec. 1.) Fraudulently affixing and using official seals.

Whoever shall fraudulently or wrongfully affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another

any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (40 Stat. 227.)

This section and the two sections next following were part, under the caption "Title X. Counterfeiting Government seal," of an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes," cited above.

Sec. 1110. (Act June 15, 1917, ch. 30, Title X, sec. 2.) Forging, etc., official seal.

Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be made, forged, counterfeited, mutilated, or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating, or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated, or altered seal to or upon any certificate, instrument, commission, document, or paper, of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated, or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both. (40 Stat. 228.)

See note to preceding section.

Sec. 1111. (Act June 15, 1917, ch. 30, Title X, sec. 3.) Forging, etc., official passes and permits.

Whoever shall falsely make, forge, counterfeit, alter, or tamper with any naval, military, or official pass or permit, issued by or under the authority of the United States, or with wrongful or fraudulent intent shall use or have in his possession any such pass or permit, or shall personate or falsely represent himself to be or not to be a person to whom such pass or permit has been duly issued, or shall willfully allow any other person to have or use any such pass or permit, issued for his use alone, shall be fined not more than \$2,000 or imprisoned not more than five years, or both. (40 Stat. 228.)

See note to section 1 of this act, *ante*, sec. 1109.

Sec. 1112. (Act June 15, 1917, ch. 30, Title I, sec. 3, as amended by Act May 16, 1918, ch. 75, sec. 1.) Disloyal conduct by Government employee; dismissal.

That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner criticizes the Army or Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official. (40 Stat. 219, 554.)

This was a proviso added to section 3 of Act June 15, 1917, ch. 30, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes," cited above, by Act May 16, 1918, ch. 75, sec. 1, also cited above, amending said section.

Sec. 1113. (Act January 31, 1881, ch. 32, sec. 2.) Foreign decorations, etc., conferred on officers of the United States; not to be shown or exposed on person of officer.

That no decoration, or other thing, the acceptance of which is authorized by this act, and no decoration heretofore accepted, or which may hereafter be accepted, by consent of Congress, by any officer or the United States, from any foreign government, shall be publicly shown or exposed upon the person of the officer so receiving the same. (21 Stat. 604.)

This section and the section next following were part of an act entitled "An act authorizing the persons therein named to accept of certain decorations and presents therein named, from foreign governments, and for other purposes," cited above.

Officers of the United States are prohibited from accepting, without the consent of Congress, any present, emolument, office, or title, of any kind whatsoever, from any king, prince, or foreign state, by the Constitution, art. 1, sec. 9, cl. 8.

Sec. 1114. (Act January 31, 1881, ch. 32, sec. 3.) Foreign decorations, etc., conferred on officer of United States; delivery through State Department.

That hereafter any present, decoration, or other thing, which shall be conferred or presented by any foreign government to any officer of the United States, civil, naval, or military, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by act of Congress. (21 Stat. 604.)

See notes to preceding section.

Sec. 1115. (Act November 23, 1921, ch. 136, sec. 256.) Officers and employees required to make returns to Commissioner of Internal Revenue of payments made by United States.

That all individuals, corporations, and partnerships, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another individual, corporation, or partnership, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in sections 254 and 255), of \$1,000 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment. (42 Stat. 269.)

This is a provision of the "Revenue Act of 1921," cited above.

A similar provision was contained in the similar Act of February 24, 1919, ch. 18, sec. 256, 40 Stat. 1086.

Sec. 1116. (Act March 3, 1901, ch. 854, sec. 217.) Officers of Government exempt from jury duty.

All executive and judicial officers, salaried officers of the Government of the United States * * * shall be exempt from jury duty, and their names shall not be placed on the jury lists. (31 Stat. 1224.)

This was a portion of a section of an act entitled "An act to establish a code of law for the District of Columbia," cited above.

A portion of the section omitted here, as indicated, enumerated persons other than officers of the United States.

Sec. 1117. (Act June 3, 1916, ch. 134, sec. 59.) Executive officers of the government exempt from militia duty.

The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age. (39 Stat. 197.)

This was a provision of an act entitled "An act for making further and more effective provision for the national defense, and for other purposes," cited above.

Sec. 1118. (Act March 3, 1883, ch. 143.) Patents to government officers for inventions to be used in public service.

The Secretary of the Interior and the Commissioner of Patents are authorized to grant any officer of the government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section forty eight hundred and eighty six of the Revised Statutes, when such invention is used or to be used in the public service, without the payment of any fee: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be used by the government or any of its officers or employees in the prosecution of work for the government, or by any other person in the United States, without the payment to him of any royalty thereon, which stipulation shall be included in the patent. (22 Stat. 625.)

This was a provision of the sundry civil appropriation act for the fiscal year 1884, cited above.

R. S. sec. 4886, mentioned in this provision, as amended by Act March 3, 1897, ch. 391, sec. 1, 29 Stat. 692, reads as follows:

"Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor."

A provision that the owner of a patented invention may recover compensation, by suit in the Court of Claims, for the use by the United States of such invention without license of such owner, does not inure to any

patentee who when he makes such claim is in government employment, or to the assignee of such patentee, nor does the provision apply to any device discovered or invented by such employee during the time of his employment or service, by Act June 25, 1910, ch. 423, *post*, sec. 1119.

Sec. 1119. (Act June 25, 1910, ch. 423.) Suits in Court of Claims for compensation for use of inventions by United States; defenses available; act not to inure to patentees, etc., in Government service, or apply to inventions during such service.

That whenever an invention described in and covered by a patent of the United States shall hereafter be used by the United States without license of the owner thereof or lawful right to use the same, such owner may recover reasonable compensation for such use by suit in the Court of Claims: *Provided, however*, That said Court of Claims shall not entertain a suit or reward compensation under the provisions of this Act where the claim for compensation is based on the use by the United States of any article heretofore owned, leased, used by, or in the possession of the United States: *Provided further*, That in any such suit the United States may avail itself of any and all defenses, general or special, which might be pleaded by a defendant in an action for infringement, as set forth in Title Sixty of the Revised Statutes, or otherwise: *And provided further*, That the benefits of this Act shall not inure to any patentee, who, when he makes such claim is in the employment or service of the Government of the United States; or the assignee of any such patentee; nor shall this Act apply to any device discovered or invented by such employee during the time of his employment of service. (36 Stat. 851.)

This was an act entitled "An act to provide additional protection for owners of patents of the United States, and for other purposes," cited above.

The granting of patents to government officers, without the payment of fees, was authorized for inventions to be used in the public service by Act March 3, 1883, ch. 143, *ante*, sec. 1118.

Sec. 1120. (Act March 3, 1897, ch. 391, sec. 7.) Representatives of heads of departments requesting expedition of patents.

That in every case where the head of any Department of the Government shall request the Commissioner of Patents to expedite the consideration of an application for a patent it shall be the duty of such head of a Department to be represented before the Commissioner in order to prevent the improper issue of a patent. (29 Stat. 694.)

This was a section of an act entitled "An act revising and amending the statutes relating to patents," cited above.

Sec. 1121. (R. S. sec. 94.) Heads of departments especially privileged to use Library.

The Joint Committee on the Library is authorized to grant the privilege of using and drawing books from the Library, in the same manner and subject to the same regulations as members of Congress, to any of the following persons:

First. Heads of Departments.

* * * * *

The library referred to is the Library of Congress.

The portion of the section omitted here, as indicated, was an enumeration of other officials of the Government, and other persons.

Sec. 1122. (R. S. sec. 4397.) Heads of departments to aid Commissioner of Fish and Fisheries.

The heads of the several Executive Departments shall cause to be rendered all necessary and practicable aid to the commissioner [of Fish and Fisheries] in the prosecution of his investigations and inquiries.

Res. February 9, 1871, No. 22, sec. 3, 16 Stat. 594.

Duties, functions, etc., of the Commissioner of Fish and Fisheries are provided for by R. S. secs. 4395-4398.

Sec. 1123. (Act April 30, 1890, ch. 173, sec. 3.) Heads of departments to aid in acquisition of collections for National Zoological Park.

That the heads of executive departments of the Government are hereby authorized and directed to cause to be rendered all necessary and practicable aid to the said regents in the acquisition of collections for the Zoological Park. (26 Stat. 78.)

This was a section of an act entitled "An Act for the organization, improvement, and maintenance of the National Zoological Park," cited above.

That National Zoological Park was placed under the direction of the regents of the Smithsonian Institution, who are authorized to accept gifts for the park, make exchanges of specimens, and administer the park for the advancement of science, and instruction and recreation, by section 2 of this Act.

Sec. 1124. (Act March 3, 1901, ch. 831.) Facilities for study and research in the government departments afforded to scientists, investigators, students, etc.

That facilities for study and research in the Government Departments, the Library of Congress, the National Museum, the Zoological Park, the Bureau of Ethnology, the Fish Commission, the Botanic Gardens, and similar institutions hereafter established shall be afforded to scientific investigators and to duly qualified individuals, students, and graduates of institutions of learning in the several States and Territories, as well as in the District of Columbia, under such rules and restrictions as the heads of the Departments and Bureaus mentioned may prescribe. (31 Stat. 1039.)

This was a provision of the deficiency appropriation act for the fiscal year 1901, cited above.

Facilities for research and illustration in Government collections in the city of Washington, including those in the Department of Agriculture, for the promotion of knowledge, were made accessible under authorized rules and restrictions of officers in charge to scientific investigators and students of any institution of higher education incorporated under the laws of Congress or of the District of Columbia by Resolution April 12, 1892, No. 8, *ante*, sec. 109.

Sec. 1125. (Act June 3, 1916, ch. 134, sec. 33.) Use of departments of Government for mobilizing, etc., Regular Army Reserves, etc.

The President may, subject to such rules and regulations as in his judgment may be necessary, utilize the services of members and employees of all departments of the Government of the United States, without expense to the individual reservist, for keeping in touch with, paying, and mobilizing the Regular Army Reserve, the Enlisted Reserve Corps, and other reserve organizations. (39 Stat. 188.)

This was a section of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," cited above.

Sec. 1126. (Act September 8, 1916, ch. 463, sec. 707.) Departments, etc., to cooperate with United States Tariff Commission.

That the said commission [United States Tariff Commission] shall in appropriate matters act in conjunction and cooperation with the Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments, or independent establishments of the Government, and such departments and independent establishments of the Government shall cooperate fully with the commission for the purposes of aiding and assisting in its work, and, when directed by the President, shall furnish to the commission, on its request, all records, papers, and information in their possession relating to any of the subjects of investigation by said commission and shall detail, from time to time, such officials and employees to said commission as he may direct. (39 Stat. 797.)

This section and the section next following were part of an act entitled "An act to increase the revenue, and for other purposes," cited above.

Sec. 1127. (Act September 8, 1916, ch. 463, sec. 708.) Divulging by government employees information obtained by United States Tariff Commission unlawful; punishment for violation.

It shall be unlawful for any member of the United States Tariff Commission, or for any employee, agent, or clerk of said commission, or any other officer or employee of the United States, to divulge, or to make known in any manner whatever not provided for by law, to any person, the trade secrets or processes of any person, firm, co-partnership, corporation, or association embraced in any examination or investigation conducted by said commission, or by order of said commission, or by order of any member thereof. Any offense against the provisions of this section shall be a misdemeanor and be punished by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or both, in the discretion of the court, and such offender shall also be dismissed from office or discharged from employment. (39 Stat. 798.)

See preceding section and note thereto.

Sec. 1128. (Act August 8, 1917, ch. 49, sec. 18.) Waterways Commission; co-ordination and cooperation of services, etc., of departments relating to development of water resources.

That a commission, to be known as the Waterways Commission, consisting of seven members to be appointed by the President of the United States, at least one of whom shall be chosen from the active or retired list of the Engineers Corps of the Army, at least one of whom shall be an expert hydraulic engineer from civil life, and the remaining five of whom may each be selected either from civil life or the public service, is hereby created and authorized, under such rules and regulations as the President may prescribe, and subject to the approval of the heads of the several executive departments concerned, to bring into co-ordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects re-

lated thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage, and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appointed from the retired list shall receive the same pay and allowances as he would if on the active list, and no member selected from the public service shall receive additional compensation for services on said commission. (40 Stat. 269.)

These were provisions of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," cited above.

Sec. 1129. (Act March 3, 1919, ch. 97, sec. 30.) Information from departments pertinent to census work.

That the Secretary of Commerce, whenever he may deem it advisable, on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for. (40 Stat. 1301.)

This was a provision of the act providing for the fourteenth census, cited above.

Sec. 1129a. (Act September 26, 1914, ch. 311, sec. 8.) Departments to furnish information and detail officials and employees to Federal Trade Commission.

That the several departments and bureaus of the Government when directed by the President shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this Act, and shall detail from time to time such officials and employees to the commission as he may direct. (38 Stat. 722.)

This was a section of an act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," cited above.

Sec. 1130. (Act February 28, 1923, ch. 148, sec. 1.) Government departments entitled to information accorded police departments by National Bureau of Criminal Identification.

To aid in support of the National Bureau of Criminal Identification, to be expended under the direction of the commissioners, provided the several departments of the General Government may

be entitled to like information from time to time as is accorded police departments of various municipalities privileged to membership therein. (42 Stat. 1349.)

This was a paragraph of the District of Columbia appropriation act for the fiscal year 1924, cited above. Similar provisions were contained in the similar acts for the fourteen preceding fiscal years.

Sec. 1131. (Act June 4, 1920, ch. 223, sec. 1.) Officers and employees exempted from passport fees.

That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families. (41 Stat. 750.)

This was a provision of the act making appropriations for the Diplomatic and Consular Service for the fiscal year 1921, cited above.

CHAPTER 28.

REPORTS.

Sec. 1132. (R. S. sec. 193.) Annual report of expenditure of contingent fund.

The head of each Department shall make an annual report to Congress, giving a detailed statement of the manner in which the contingent fund for his Department, and for the Bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress.

Act August 26, 1842, ch. 1202, sec. 20, 5 Stat. 527.

Statements of the expenditures and receipts of the Government, together with the estimates of appropriations and expenditures, and other data, are to be set forth in detail in the Budget which is to be prepared by the Bureau of the Budget for the President and by him is to be transmitted annually to Congress, and the mode of preparation by the departments of their estimates and the time of their submission to the Bureau of the Budget, and furnishing said Bureau information required by it, were provided for, by Act June 10, 1921, ch. 18, *post*, secs. 1139-1150.

Sec. 1133. (Act March 3, 1877, ch. 102, sec. 1.) Reports of expenditure for contingent expenses.

Hereafter a detailed statement of the expenditure for the preceding fiscal year of all sums appropriated for contingent expenses of the Independent Treasury, or in any department or bureau of the Government shall be presented to Congress at the beginning of each regular session. (19 Stat. 306.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1878, cited above.

See R. S. sec. 193, and also note thereto relating to requirements for the submission to Congress, in the annual Budget, of detailed statements of expenditures of the Government, *ante*, sec. 1132.

Sec. 1134. (Act May 22, 1908, ch. 186, sec. 4.) Statements of traveling expenses of officers and employees at Washington.

It shall be the duty of the head of each Executive Department and other Government establishment at Washington to submit to Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees, who in the discharge of their regular

duties are required to constantly travel) of such Executive Department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case. (35 Stat. 244.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1909, cited above.

Estimates of appropriations from which per diem allowances are to be paid in lieu of subsistence to persons engaged in field work or traveling on official business, shall specifically state the rates of such allowances, by Act August 1, 1914, ch. 223, sec. 13, *ante*, sec. 1019.

See note to R. S. sec. 193, relating to requirements for the submission to Congress, in the annual Budget of detailed statements of expenditures and receipts of the Government, *ante*, sec. 1132.

Sec. 1135. (R. S. sec. 175.) Time of making annual reports.

Except where a different time is expressly prescribed by law, the various annual reports required to be submitted to Congress by the heads of Departments shall be made at the commencement of each regular session, and shall embrace the transactions of the preceding year.

Provisions relating to the time for furnishing the Public Printer copies of the annual reports of heads of departments, and accompanying documents and revised proofs thereof, and to the time of printing and distribution of the same, were made by R. S. sec. 196, and Act July 1, 1916, ch. 209, sec. 3, *post*, secs. 1136, 1136a.

Sec. 1136. (R. S. sec. 196.) Time for furnishing printer with departmental annual reports and documents accompanying same.

The head of each Department, except the Department of Justice, shall furnish to the Congressional Printer copies of the documents usually accompanying his annual report, on or before the first day of November in each year, and a copy of his annual report on or before the third Monday of November in each year.

Act June 25, 1864, ch. 155, secs. 1, 3, 1? Stat. 184, 185. Act June 22, 1870, ch. 150, sec. 12, 16 Stat. 164.

This section may be regarded as superseded by Act July 1, 1916, ch. 209, sec. 3, *post*, sec. 1136a.

Sec. 1136a. (Act July 1, 1916, ch. 209, sec. 3.) Copy for annual reports and accompanying documents to be furnished printer; time for furnishing.

That appropriations herein and hereafter made for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the fifteenth day of October of each year; copies of the annual reports on or before the fifteenth day of November of each year; complete revised proofs of the accompanying documents and the annual reports on the tenth and twentieth days of November of each year, respectively; and all of said annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the

first five days after the assembling of each regular session of Congress. (39 Stat. 336.)

These were provisions of the sundry civil appropriation act for the fiscal year 1917, cited above. The appropriations referred to are those made in the sundry civil appropriation acts for printing and binding for the various departments, etc.

These provisions may be regarded as superseding those of R. S. sec. 196, *ante*, sec. 1136.

Similar provisions, but without the word "hereafter" and without the clause following the last semicolon, were contained in the similar acts for the two fiscal years preceding.

Sec. 1137. (Act June 5, 1920, ch. 253, sec. 1.) Reports by heads of departments of number, cost, etc., of publications issued.

Hereafter the head of each department and independent establishment of the Government shall on the first day of each regular session submit in writing a report to the Congress giving the aggregate number of the various publications it has issued during the preceding fiscal year giving same in detail, and shall also report the cost of paper used for such publication, cost of printing and the cost of preparation of each publication and the number of each which has been distributed. (41 Stat. 1037.)

This was a paragraph of the deficiencies appropriation act for the fiscal year 1920, cited above.

See note to R. S. sec. 193, relating to requirements for the submission to Congress in the annual Budget, of detailed statements of all expenditures of the Government, *ante*, sec. 1132.

Sec. 1138. (R. S. sec. 1776.) Account of cost of removal of office.

Whenever any public office is removed by reason of sickness which may prevail in the town or city where it is located, a particular account of the cost of such removal shall be laid before Congress.

Act April 21, 1806, ch. 41, sec. 6, 2 Stat. 397.

CHAPTER 29.

APPROPRIATIONS.

Sec. 1139. (Act June 10, 1921, ch. 18, sec. 201.) President to transmit Budget to Congress; contents; estimates of expenditures and appropriations for ensuing year; estimates of receipts for ensuing year; expenditures and receipts for the last year; estimates of expenditures and receipts for current year; amount available November 1 of current year for expenditures; condition of Treasury at end of the last year and estimated condition at end of current and ensuing years; Government indebtedness; other data of financial condition.

The President shall transmit to Congress on the first day of each regular session, the Budget, which shall set forth in summary and in detail:

(a) Estimates of the expenditures and appropriations necessary in his judgement for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the Legislative Branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15th of each year, and shall be included by him in the Budget without revision;

(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the Budget is transmitted and also (2) under the revenue proposals, if any, contained in the Budget;

(c) The expenditures and receipts of the Government during the last completed fiscal year;

(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress;

(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of each year;

(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the Budget are adopted;

(g) All essential facts regarding the bonded and other indebtedness of the Government; and

(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government. (42 Stat. 20.)

This section and the twelve sections next following were parts, under the caption "Title II.—The Budget," of an act entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes," cited above.

Sections 1 and 2, constituting "Title I.—Definitions," of this act read as follows:

"Sec. 1. This act may be cited as the 'Budget and Accounting Act, 1921.'

"Sec. 2. When used in this Act—

"The terms 'department and establishment' and 'department or establishment' mean any executive department, independent commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but do not include the Legislative Branch of the Government or the Supreme Court of the United States;

"The term 'the Budget' means the Budget required by section 201 to be transmitted to Congress;

"The term 'Bureau' means the Bureau of the Budget;

"The term 'Director' means the Director of the Bureau of the Budget; and

"The term 'Assistant Director' means the Assistant Director of the Bureau of the Budget."

The act superseded sections of the Revised Statutes and provisions of acts of Congress as follows:

(R. S. sec. 3669.) "All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the book of estimates prepared under his direction."

(Act July 7, 1884, ch. 334, sec. 2, 23 Stat. 254.) "And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury and in no other manner."

(Act March 4, 1909, ch. 299, sec. 7, 35 Stat. 1027.) "Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency."

(R. S. sec. 3670.) "The Secretary of the Treasury shall annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year, which may have been made by former acts."

(Act, March 3, 1901, ch. 830, sec. 5, 31 Stat. 1009.) "That hereafter it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the fifteenth day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction, and in case of failure to furnish estimates as herein required it shall be the duty of the Secretary of the Treasury to cause to be prepared in the Treasury Department, on or before the first day of November of each year, estimates for such appropriations as in his judgment shall be requisite in every such case, which estimates shall be included in the Book of Estimates prepared by law under his direction for the consideration of Congress."

(Act August 23, 1912, ch. 350, sec. 9, 37 Stat. 415.) "That until otherwise provided by law, the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to Congress, by those charged with the duty of such preparation

and submission, only in the form and at the time now required by law, and in no other form and at no other time."

Other provisions relating to the preparation of estimates of appropriations and expenditures and their submission to Congress were partially superseded, supplemented, or modified by this act. See secs. 1151-1174, *post*.

Sec. 1140. (Act June 10, 1921, ch. 18, sec. 202.) Recommendations to meet deficiency if estimated resources less than proposed expenditures; recommendations if proposed expenditures less than estimated resources.

(a) If the estimated receipts for the ensuing fiscal year contained in the Budget, on the basis of laws existing at the time the Budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the Budget, the President in the Budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the estimated deficiency.

(b) If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require. (42 Stat. 21.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1141. (Act June 10, 1921, ch. 18, sec. 203.) President to transmit supplemental or deficiency estimates to Congress; statement of reasons; recommendations if exceeding estimated resources.

(a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgement (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget.

(b) Whenever such supplemental or deficiency estimates reach an aggregate which, if they had been contained in the Budget, would have required the President to make a recommendation under subdivision (a) of section 202, he shall thereupon make such recommendation. (42 Stat. 21.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1142. (Act June 10, 1921, ch. 18, sec. 204.) Contents, order, and arrangement of estimates, etc.; to conform to existing law; statements to accompany supplemental or deficiency estimates for lump-sum appropriations; in lieu of statements required by existing law.

(a) Except as otherwise provided in this Act, the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the Budget or transmitted under section 203, and the notes and other data submitted therewith, shall conform to the requirements of existing law.

(b) Estimates for lump-sum appropriations contained in the Budget or transmitted under section 203 shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such statements shall be

in lieu of statements of like character now required by law. (42 Stat. 21.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1143. (Act June 10, 1921, ch. 18, sec. 206.) Estimates or requests for appropriations, etc., not to be submitted by officers or employees unless at request of Congress.

No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress. (42 Stat. 21.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1144. (Act June 10, 1921, ch. 18, sec. 207.) Bureau of Budget created; Director and Assistant Director; duties of Assistant; Bureau to prepare Budget and supplemental or deficiency estimates.

There is hereby created in the Treasury Department a Bureau to be known as the Bureau of the Budget. There shall be in the Bureau a Director and an Assistant Director, who shall be appointed by the President and receive salaries of \$10,000 and \$7,500 a year, respectively. The Assistant Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the office of Director he shall act as Director. The Bureau, under such rules and regulations as the President may prescribe, shall prepare for him the Budget, the alternative Budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments. (42 Stat. 22.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1145. (Act June 10, 1921, ch. 18, sec. 209.) Bureau of Budget to make detailed study of departments, etc., for greater economy and efficiency; report of results.

The Bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby. (42 Stat. 22.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1146. (Act June 10, 1921, ch. 18, sec. 212.) Bureau of Budget to furnish to Congress aid and information.

The Bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request. (42 Stat. 23.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1147. (Act June 10, 1921, ch. 18, sec. 213.) Departments, etc., to furnish information to Bureau of Budget; access to records, etc., of departments, etc.

Under such regulations as the President may prescribe, (1) every department and establishment shall furnish to the Bureau such information as the Bureau may from time to time require, and (2) the Director and the Assistant Director, or any employee of the Bureau when duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment. (42 Stat. 23.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1148. (Act June 10, 1921, ch. 18, sec. 214.) Heads of departments to designate budget officers therefor to prepare estimates thereof.

(a) The head of each department and establishment shall designate an official thereof as budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

(b) Such budget officer shall also prepare, under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work. (42 Stat. 23.)

See notes to section 201 of this act, *ante*, sec. 1139.

The provisions of this section superseded a provision requiring the head of each department to designate, on or before July first in each fiscal year, from among the officials employed therein, a person to supervise the classification and compilation of all estimates of appropriations, including supplemental and deficiency estimates, of such department, by Act June 23, 1913, ch. 3, sec. 3, *post*, sec. 1154.

Sec. 1149. (Act June 10, 1921, ch. 18, sec. 215.) Revision and submission of estimates by heads of departments; preparation in case of failure.

The head of each department and establishment shall revise the departmental estimates and submit them to the Bureau on or before September 15 of each year. In case of his failure so to do, the President shall cause to be prepared such estimates and data as are necessary to enable him to include in the Budget estimates and statements in respect to the work of such department or establishment. (42 Stat. 23.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1150. (Act June 10, 1921, ch. 18, sec. 216.) Form, manner, and detail of estimates of departments to be prescribed.

The departmental estimates and any supplemental or deficiency estimates submitted to the Bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe. (42 Stat. 23.)

See notes to section 201 of this act, *ante*, sec. 1139.

Sec. 1151. (Act June 22, 1906, ch. 3514, sec. 4.) Estimates to follow order and arrangement of appropriation acts for year preceding; changes in order, transfers of salaries, or consolidation of bureaus, etc., to be submitted by note; all estimates to be included in annual estimates; restriction on special or additional estimates.

Hereafter the estimates for expenses of the Government, except those for sundry civil expenses, shall be prepared and submitted each

year according to the order and arrangement of the appropriation Acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any Executive Department may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation Acts for the year preceding.

Hereafter the heads of the several Executive Departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted, or when deemed imperatively necessary for the public service by the Department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates. (34 Stat. 448.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1907, cited above.

Provisions similar to those of the first two sentences, but applicable specifically to the estimates of appropriations for the Department of Agriculture, were made by Act June 3, 1902, ch. 985, *ante*, sec. 146.

All provisions for submission of estimates of the public service to Congress through the Secretary of the Treasury, and for the preparation by him of the Book of Estimates and inclusion therein of the regular annual estimates, were superseded, and the estimates of the Government are required to be set forth in the Budget, which is to be prepared by the Bureau of the Budget for the President and by him is to be transmitted to Congress on the first day of each regular session, and such supplemental or deficiency estimates as are necessary on account of laws enacted after the transmission of the Budget, or otherwise in the public interest, may be transmitted to Congress by the President from time to time, in which case he is to accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget, and, except as otherwise provided, the contents, order, and arrangement of the estimates and statements contained in the Budget or in the supplemental or deficiency estimates, and the notes and other data submitted therewith, shall conform to the requirements of existing law; and requirements in respect to the preparation by the departments of the regular departmental estimates and their submission to the Bureau of the Budget, and duties of the department heads relating thereto, were prescribed; by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1139-1150.

Sec. 1152. (Act September 8, 1916, ch. 464, sec. 4.) Special or additional estimates not to be transmitted by Secretary of Treasury unless conforming to requirements.

That the Secretary of the Treasury shall not hereafter transmit special or additional estimates of appropriations to Congress unless they shall conform to the requirements of section four of the Act approved June twenty-second, nineteen hundred and six (Thirty-fourth Statutes, page four hundred and forty-eight). (39 Stat. 830.)

This was a section of an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and sixteen, and prior fiscal years, and for other purposes," cited above.

Section 4 of Act June 22, 1906, ch. 3514, referred to in this section, is set forth, *ante*, sec. 1151. See note to said section relating to requirements for submission of all estimates to the Bureau of the Budget and their transmission to Congress by the President, instead of through the Secretary of the Treasury.

Sec. 1153. (Act March 4, 1909, ch. 297, sec. 4.) Estimates not conforming to requirements to be rearranged.

When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the provisions of section four of the legislative, executive, and judicial appropriation Act, approved June twenty-second, nineteen hundred and six, they shall, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirements of law. (35 Stat. 907.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1910, cited above.

Section 4 of Act June 22, 1906, ch. 3514, mentioned in this section, is set forth, *ante*, sec. 1151. See notes to said section relating to requirements for submission of estimates to the Bureau of the Budget and their transmission to Congress by the President, instead of through the Secretary of the Treasury.

Sec. 1154. (Act June 23, 1913, ch. 3, sec. 3.) Official of each department to be designated to supervise preparation of estimates; requirements of laws respecting preparation of estimates to be regarded; unnecessary words to be eliminated and uniform language to be used.

That hereafter the head of each executive department and other Government establishment shall, on or before July first in every fiscal year, designate from among the officials employed therein one person whose duty it shall be to supervise the classification and compilation of all estimates of appropriations, including supplemental and deficiency estimates to be submitted by such department or establishment. In the performance of their duties persons so designated shall have due regard for the requirements of all laws respecting the preparation of estimates, including the manner and time of their submission through the Treasury Department to Congress: they shall also, as nearly as may be practicable, eliminate from all such estimates unnecessary words and make uniform the language commonly used in expressing purposes or conditions of appropriations. (38 Stat. 75.)

This was a section of the sundry civil appropriation act for the fiscal year 1914, cited above.

Requirements in respect to preparation of estimates of the Government and their submission to Congress were changed, and the manner and time of the preparation by the several departments of the estimates thereof and their submission to Congress through the Bureau of the Budget, instead of through the Secretary of the Treasury, were prescribed by provisions of Act June 10, 1921, ch. 18, secs. 1139-1150. And the provision of this section for the designation, on or before July first in every fiscal year, of an official of each department and making it his duty to supervise the classification and compilation of all estimates to be submitted by each department, was superseded by section 214 of said act, which requires the head of each department to designate an official thereof as budget officer therefor, who, in each year, under his direction, and on or before a date fixed by him, is to prepare the departmental estimates, and also is to prepare, under his direction, such supplemental or deficiency estimates as may be required, *ante*, sec. 1148.

Sec. 1155. (R. S. sec. 3660.) Manner of communicating estimates.

The heads of Departments in communicating estimates of expenditures and appropriations to Congress, or to any of the committees thereof, shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of the Revised Statutes as the case may be, and the section of the act in which the authority is to be found.

Act August 26, 1842, ch. 202, sec. 14, 5 Stat. 525. Act March 3, 1875, ch. 129, sec. 3, 18 Stat. 370.

The head of each department was directed to require of disbursing officers acting under his direction and authority, the statements of and receipts for all moneys expended by them during the next preceding fiscal year, and to communicate the results annually to Congress, by R. S. sec. 193, *ante*, sec. 1132.

Requirements for preparation by the departments of the estimates thereof, and for their submission to the Bureau of the Budget and for the preparation by it for the President and for their transmission by him to Congress, were made by provisions of Act June 10, 1921, ch. 18, secs. 1139-1150. And, except as otherwise provided by said Act, the contents, order, and arrangement of all estimates transmitted by the President, and the notes and other data submitted therewith, shall conform to the requirements of existing law, by section 204 of said Act, *ante*, sec. 1142.

Sec. 1156. (R. S. sec. 3661.) Estimates for printing and binding.

The head of each of the Executive Departments, and every other public officer who is authorized to have printing and binding done at the Congressional Printing-Office for the use of his Department or public office, shall include in his annual estimate for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Congressional Printer."

Act May 8, 1872, ch. 140, sec. 2, 17 Stat. 82.

Further requirements as to estimates for all printing and binding for the executive departments, their bureaus and offices, etc., at Washington, and restrictions on the use for such purposes of appropriations other than those made therefor, were made by Act June 30, 1906, ch. 3914, sec. 2, *post*, sec. 1103.

Requirements as to preparation by the departments of the annual estimates thereof, and for their submission to the Bureau of the Budget and inclusion by it in the Budget which is to be prepared by it for the President and by him is to be transmitted annually to Congress, were made by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1138-1150. And, except as otherwise provided by said Act, the contents, order, and arrangement of the estimates contained in the Budget, and the notes and other data submitted therewith, shall conform to the requirements of existing law, by section 204 of said Act, *ante*, sec. 1142.

Sec. 1157. (Act June 30, 1906, ch. 3914, sec. 2.) Estimates for all printing and binding to be submitted in annual estimates; only appropriations made for printing and binding to be used therefor; provisions not to apply to stamped envelopes, stationery, etc.

Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Print-

ing and binding." estimates for all printing and binding required by each of the Executive Departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and after the fiscal year nineteen hundred and seven no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any Executive Department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letter heads and note heads, printed in the course of manufacture. (34 Stat. 762.)

These were provisions of the sundry civil appropriation act for the fiscal year 1907, cited above.

The head of each executive department was required to include in his annual estimates such sum or sums as may seem necessary for printing and binding, by R. S. sec. 3661, *ante*, sec. 1156. See note to said section, relating to requirements as to the method of preparing estimates of the departments, and their submission to Congress.

Sec. 1158. (R. S. sec. 3662.) Estimates for salaries.

All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution.

Act March 3, 1855, ch. 175, sec. 8, 10 Stat. 670.

Requirements as to the method and time of preparation and of submission to Congress, of estimates, were made by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1139-1150.

Provisions that no officer, clerk, etc., should be employed in any of the executive departments or subordinate bureaus or offices thereof at the seat of government, except as specifically appropriated for each fiscal year, are contained in Act August 5, 1882, ch. 389, sec. 4, *ante*, sec. 985.

Sec. 1159. (Act July 11, 1890, ch. 667, sec. 2.) Reports in estimates of number and salaries of inefficient employees.

That hereafter it shall be the duty of the heads of the several Executive Departments of the Government to report to congress each year in the annual estimates the number of employees in each bureau and office and the salaries of each who are below a fair standard of efficiency. (26 Stat. 268.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1891, cited above.

See note to Act March 2, 1895, ch. 177, sec. 7, relating to preparation of the estimates of the departments, and their submission to Congress. *post*, secs. 1160.

Sec. 1160. (Act March 2, 1895, ch. 177, sec. 7.) Statements in estimates of condition of business in departments.

It shall be the duty of the head of each Executive Department or other Government establishment in the city of Washington to submit to the first regular session of the Fifty-fourth Congress, and annually thereafter, in the Annual Book of Estimates, a statement as to the condition of business in his Department or other Government establishment, showing whether any part of the same is in arrears, and, if so, in what divisions of the respective bureaus and offices of his Department or other Government establishment such arrears ex-

ist, the extent thereof, and the reasons therefor, and also a statement of the number and compensation of employees appropriated for in one bureau or office who have been detailed to another bureau or office for a period exceeding one year. (28 Stat. 808.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1896, cited above.

Provisions for the submission of estimates to Congress in the Book of Estimates, were superseded, and requirements as to preparation by the departments of the annual estimates thereof, and duties of department heads relating thereto, and for their submission to the Bureau of the Budget, and for their inclusion by it in the Budget to be prepared by it for the President and by him to be submitted to Congress on the first day of each regular session, were made by provisions of Act June 10, 1921, ch. 18, secs. 1139-1150. And, except as otherwise provided by said Act, the contents, order, and arrangement of the estimates contained in the Budget, and the notes and other data submitted therewith, shall conform to the requirements of existing law, by section 204 of said Act, *ante*, sec. 1142.

Sec. 1161. (R. S. sec. 3663, as amended by Act February 27, 1877, ch. 69, sec. 1.)
Requisites of estimates for public buildings or public works.

Whenever any estimate submitted to Congress by the head of a Department asks an appropriation for any new specific expenditure, such as the erection of a public building, or the construction of any public work, requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plans and detailed estimates of the cost of the whole work. All subsequent estimates for any such work shall state the original estimated cost, the aggregate amount theretofore appropriated for the same, and the amount actually expended thereupon, as well as the amount asked for the current year for which such estimate is made. And if the amount asked is in excess of the original estimate, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated.

Act June 17, 1844, ch. 105, sec. 2, 5 Stat. 693. Act March 3, 1855, ch. 175, sec. 8, 10 Stat. 670. Act February 27, 1877, ch. 69, sec. 1, 19 Stat. 249.

This section, as originally enacted, was amended by Act February 27, 1877, ch. 69, sec. 1, cited above, by substituting for the word "plan" the word "plans," in the fifth line, as set forth here.

No contract may be entered into for the erection, repair, etc., of any public building or improvement which binds the Government to pay a sum in excess of the amount specifically appropriated, by R. S. sec. 3733, *post*, sec. 1361.

No money may be expended on any public building until plans and estimates of the cost have been made and approved, and any subsequent changes are limited to the cost fixed by Congress by R. S. sec. 3734, as amended by Act June 25, 1910, ch. 383, sec. 33, *post*, sec. 1364.

Requirements for the preparation by the departments of the estimates thereof and for their submission to the Bureau of the Budget for preparation by it for the President and transmission by him to Congress were made by provisions of Act June 10, 1921, ch. 18, *post*, secs. 1139-1150, and except as otherwise provided by said act, the contents, order, and arrangement of the estimates so transmitted, and the notes and other data submitted therewith, shall conform to existing law, by section 204 of said act, *ante*, sec. 1142.

Sec. 1162. (Act June 5, 1920, ch. 235, sec. 3.) Statements in estimates of location, valuation, purposes, care, etc., and operation of Government-owned buildings in District of Columbia.

That hereafter it shall be the duty of the head of each department and independent establishment of the Government to submit to Con-

gress annually in the Book of Estimates, a statement giving for each of the Government-owned buildings in the District of Columbia under their respective jurisdiction the following information for the preceding fiscal year: The location and valuation of each building, the purpose or purposes for which used, and the cost of care, maintenance, upkeep, and operation thereof per square foot of floor space. (41 Stat. 945.)

This was a section of the sundry civil appropriation act for the fiscal year 1921, cited above.

Provisions for submission of estimates to Congress in the Book of Estimates, were superseded, and requirements as to preparation by the departments of annual estimates thereof, and duties of department heads relating thereto, and for their submission to the Bureau of the Budget, and for their inclusion by it in the Budget to be prepared by it for the President and by him to be submitted to Congress, were made by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1139-1150. And, except as otherwise provided in said Act, the contents, order, and arrangement of the estimates contained in the Budget, and the notes and other data submitted therewith, shall conform to the requirements of existing law, by section 204 of said Act, *ante*, sec. 1142.

Sec. 1163. (Act March 3, 1883, ch. 128, sec. 1.) Statements in estimates of buildings rented, etc.

It shall be the duty of the heads of the several executive departments to submit to Congress each year, in the annual estimates of appropriations, a statement of the number of buildings rented by their respective departments, the purposes for which rented, and the annual rental of each. (22 Stat. 552.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1884 cited above.

The Secretary of Agriculture was required to submit annually in his estimates a statement showing what proportion of the appropriation for rent of buildings in the District of Columbia for the use of the various bureaus, divisions, and offices of the Department is paid for the quarters occupied by the various branches of the Department, by Act August 9, 1916, ch. 313 *ante*, sec. 147.

Provisions requiring the Secretary of the Treasury to submit to Congress annually in the estimates a statement of the buildings rented in the District of Columbia for the use of the Government, the purposes for which rented, and the annual rental of each, and other details as to such buildings, are set forth, *post*, secs. 1164-1166.

Requirements as to the preparation by the departments of the annual estimates thereof, and for their submission to the Bureau of the Budget for inclusion by it in the Budget to be prepared by it for the President and by him to be submitted to Congress, were made by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1139-1150. And except as otherwise provided by said Act, the contents, order, and arrangement of the estimates contained in the Budget, and the notes and other data submitted therewith, shall conform to the requirements of existing law, by section 204 of said Act, *ante*, sec. 1142.

Sec. 1164. (Act July 16, 1892, ch. 196.) Statements in estimates of buildings rented in the District of Columbia.

That hereafter it shall be the duty of the Secretary of the Treasury to cause to be prepared and submitted to Congress each year, in the annual Book of Estimates of Appropriations, a statement of the buildings rented within the District of Columbia for the use of the Government, the purposes for which rented, and the annual rental of each. (27 Stat. 199.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1893, cited above.

Additional details in the statement of buildings, required by this provision, were required by Act May 1, 1913, ch. 1, sec. 3, and Act May 29, 1920, ch. 214, sec. 7. *post*, secs. 1165-1166.

The Secretary of Agriculture was required to submit annually in his estimates a statement showing what proportion of the appropriations for rent of buildings for the Department is paid for the quarters occupied by the various branches of the Department, by Act August 9, 1916, ch. 313, *ante*, sec. 147.

Provisions making it the duty of the Secretary of the Treasury to prepare and to submit to Congress the Book of Estimates, and to include therein the annual estimates of the departments, and also provisions making it the duty of the heads of departments to furnish him their annual estimates, were superseded, and the annual estimates of the departments are to be submitted to the Bureau of the Budget and by it to be included in the Budget which is to be prepared by said Bureau for the President and by him is to be transmitted annually to Congress, by provisions of Act June 10, 1921, ch. 48, *ante*, secs. 1139-1150. And, except as otherwise provided by said Act, the contents, order, and arrangement of the estimates contained in the Budget, and the notes and other data submitted therewith, shall conform to the requirements of existing law, by section 204 of said Act, *ante*, sec. 1142.

Sec. 1165. (Act May 1, 1913, ch. 1, sec. 3.) Statement of buildings rented in District of Columbia to indicate area of floor space, rate paid, assessed valuation, and proportion of rental for heat, light, etc.

Hereafter the statement of buildings rented within the District of Columbia for use of the Government, required by the Act of July sixteenth, eighteen hundred and ninety-two (Statutes at Large, volume twenty-seven, page one hundred and ninety-nine), shall indicate as to each building rented the area thereof in square feet available floor space for Government uses, the rate paid per square foot for such floor space, the assessed valuation of each building, and what proportion, if any, of the rental paid includes heat, light, elevator, or other service. (38 Stat. 3.)

This was a section of an act making appropriations for expenses incident to the first session of the Sixty-third Congress, cited above.

The provision of Act July 16, 1892, ch. 196, mentioned herein, are set forth *ante*, sec. 1164. See notes to said section.

Sec. 1166. (Act May 29, 1920, ch. 214, sec. 7.) Statement of buildings rented in District of Columbia to indicate cost of care, maintenance, and operation.

That hereafter the statement of buildings rented within the District of Columbia for the use of the Government, required by the Act of July 16, 1892, shall indicate, in addition to the data required by section 3 of the Act of May 1, 1913, the cost of the care, maintenance, and operation of each building per square foot of floor space of the building or portion of building rented. (41 Stat. 691.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1921, cited above.

The provisions of Act July 16, 1892, ch. 196, and Act May 1, 1913, ch. 93, sec. 3, mentioned in this section, are set forth *ante*, secs. 1164, 1165. See note to sec. 1164.

Sec. 1167. (R. S. sec. 3664.) Estimates to be accompanied by explanations of variations from usual or preceding appropriations, and of new items.

Whenever the head of a Department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in

amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added.

Act June 17, 1844, ch. 105, sec. 2. 5 Stat. 693. Act March 3, 1855, ch. 175, sec. 8, 10 Stat. 670.

Requirements as to preparation by the departments of the annual estimates thereof, and for their submission to the Bureau of the Budget and inclusion by it in the Budget which is to be prepared by it for the President and by him is to be transmitted annually to Congress, were made by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1139-1150. And, except as otherwise provided by said Act, the contents, order, and arrangement of the estimates contained in the Budget and the notes and other data submitted therewith, shall conform to the requirements of existing law, by section 204 of said Act, *ante*, sec. 1142.

Sec. 1163. (R. S. sec. 3665.) Amount of outstanding appropriations to be designated in submitting estimates.

The head of each Department, in submitting to Congress his estimates of expenditures required in his Department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure.

Act June 2, 1858, ch. 82, sec. 2, 11 Stat. 308.

See note to preceding section, relating to requirements as to the method of preparing estimates of the departments, and their submission to Congress.

Sec. 1169. (Act August 24, 1912, ch. 355, sec. 6, as amended by Act August 1, 1914, ch. 223, sec. 10.) Statements required with estimates for lump-sum appropriations.

That there shall be submitted hereafter, in the annual Book of Estimates following every estimate for a general or lump-sum appropriation, except public buildings or other public works constructed under contract, a statement showing in parallel columns:

First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate, including a statement of estimated unit cost of any construction work proposed to be done; and

Second, the number of persons, if any, employed and the rate of compensation paid each, and the amounts expended for each other object or class of expenditure, and the actual unit cost of any construction work done, out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted.

Other notes shall not be submitted following any estimate embraced in the annual Book of Estimates other than such as shall suggest changes in form or order of arrangement of estimates and appropriations and reasons for such changes. (37 Stat. 487; 38 Stat. 680.)

This was a section of the sundry civil appropriation act for the fiscal year 1913, cited above, as amended by a section of the sundry civil appropriation act for the fiscal year 1915, cited above.

The section, as originally enacted, read as follows:

"Hereafter there shall be submitted, in the annual Book of Estimates, following every estimate for a general or lump sum appropriation which exceeds \$250,000 in amount, a statement showing in parallel columns:

"First, the number of persons, if any, intended to be employed and the rates of compensation to each, and the amounts contemplated to be expended for each of any other objects or classes of expenditures specified or contemplated in the estimate; and

"Second, the number of persons, if any, employed and the rates of compensation paid each, and the amounts expended for each other object or class of expenditures out of the appropriation corresponding to the estimate so submitted, during the completed fiscal year next preceding the period for which the estimate is submitted."

The information required by this section was to be submitted according to uniform and concise methods prescribed by the Secretary of the Treasury, by Act July 1, 1916, ch. 209, sec. 4, *post*, sec. 1170.

Provisions for submission of estimates to Congress through the Secretary of the Treasury and for preparation by him of the Book of Estimates and inclusion therein of annual estimates, were superseded; and estimates of appropriations for the Government for the ensuing fiscal year and statements and estimates of expenditures for the last completed and current fiscal years, are to be set forth in detail in the Budget which is to be prepared by the Bureau of the Budget for the President and by him is to be transmitted to Congress on the first day of each regular session, except that such supplemental or deficiency estimates as are necessary on account of laws enacted after the transmission of the Budget or otherwise in the public interest may be transmitted to Congress by the President from time to time; and the preparation and submission to the Bureau of the Budget by the departments of the estimates thereof, were prescribed by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1139-1150. And, except as otherwise provided by said Act, the contents, order, and arrangement of the estimates and statements contained in the Budget or transmitted with the supplemental or deficiency estimates, and the notes and other data submitted therewith, shall conform to the requirements of then existing law; and estimates of lump-sum appropriations contained in the Budget or transmitted with the supplemental or deficiency estimates shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations for the current and preceding fiscal years, and such statements shall be in lieu of statements of like character required by then existing law, by section 204 of said Act, *ante*, sec. 1142.

Sec. 1170. (Act July 1, 1916, ch. 209, sec. 4.) Method of preparation of statements required for estimates of lump-sum appropriations.

That the information required in connection with estimates for general or lump-sum appropriations by section ten of the sundry civil appropriation Act, approved August first, nineteen hundred and fourteen, shall be submitted hereafter according to uniform and concise methods which shall be prescribed by the Secretary of the Treasury, but with reference to estimates for pay of mechanics and laborers there shall be submitted in detail only the ratings and trades and the rates per diem paid or to be paid. (39 Stat. 336.)

This was a section of the sundry civil appropriation act for the fiscal year 1917, cited above.

Section 10 of Act August 1, 1914, ch. 223, mentioned in this section, amended Act August 24, 1912, ch. 355, sec. 6, set forth as amended, *ante*, sec. 1169. See note to said section, relating to requirements as to estimates and statements in connection therewith to be submitted to Congress, and as to their submission to the Bureau of the Budget and preparation by it for transmission to Congress, instead of through the Secretary of the Treasury.

Sec. 1171. (R. S. sec. 3672, as amended by Act February 27, 1877, ch. 69, sec. 1.) Statement of proceeds of sales of old material.

A detailed statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind (except materials, stores, or supplies sold to officers and soldiers of the Army, or to exploring or surveying expeditions authorized by law) shall be included in the appendix to the book of estimates.

Act May 8, 1872, ch. 140, sec. 5, 17 Stat. 83. Act February 27, 1827, ch. 69, sec. 1, 19 Stat. 249.

This section, as originally enacted, was amended by Act February 27, 1877, ch. 69, sec. 1, cited above, by the insertion of the words "except materials, stores, or supplies sold to officers and soldiers of the Army, or to exploring or surveying expeditions authorized by law," as set forth here.

The statement of proceeds of sales of public property, required by this section to be included in the Book of Estimates, is to be submitted separately, by Act June 25, 1910, ch. 384, sec. 6, *post*, sec. 1172.

All provisions for the submission to Congress of estimates of the Government through the Secretary of the Treasury and the preparation by him of the annual Book of Estimates and the inclusion therein of such estimates, were superseded, and all annual estimates of the Executive Branch of the Government, together with statements of receipts and expenditures, are to be set forth in detail in the Budget, which is to be prepared for the President by the Bureau of the Budget and by him is to be transmitted to Congress on the first day of each regular session; and requirements of the departments and the heads thereof in respect to the preparation of the departmental estimates and their transmission to the Bureau of the Budget were prescribed by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1139-1150.

It was made the duty of the head of each department to furnish the Secretary of the Treasury statements of all money arising from proceeds of public property or other source received by said department heads, and of payments from such funds, by Act June 30, 1906, ch. 3914, sec. 5, *post*, sec. 1173.

The proceeds of sales of public property were required to be deposited and covered into the Treasury, by R. S. sec. 3618, and Act June 8, 1896, ch. 373, sec. 1, *post*, secs. 1230, 1231.

Sec. 1172. (Act June 25, 1910, ch. 384, sec. 6.) Statement of proceeds of sales of old material, etc., separate from Book of Estimates.

Hereafter the statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind shall be submitted to Congress at the beginning of each regular session thereof as a separate communication and shall not hereafter be included in the annual Book of Estimates. (36 Stat. 773.)

This was a section of the sundry civil appropriation act for the fiscal year 1911, cited above.

The previous requirement of a statement of the proceeds of sales of old material, etc., to be included in the appendix to the Book of Estimates, was by R. S. sec. 3672, *ante*, sec. 1171. See notes to said section.

Sec. 1173. (Act June 30, 1906, ch. 3914, sec. 5.) Statements of money received from proceeds of public property or other sources, and of payments therefrom.

Hereafter the Secretary of the Treasury shall require, and it shall be the duty of the head of each Executive Department or other Government establishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the postal service, received by said head of Department or other Government establishment during the previous fiscal year for or on

account of the public service, or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the General Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during such year. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session. (34 Stat. 763.)

These were provisions of the sundry civil appropriation act for the fiscal year 1907, cited above.

See notes to R. S. sec. 3672, *ante*, sec. 1171.

Sec. 1174. (Act March 3, 1875, ch. 129, sec. 3.) Extracts from annual reports of heads of departments to be included in Book of Estimates.

The Secretary of the Treasury shall submit, as a part of the appendix to the Book of Estimates, such extracts from the annual reports of the several heads of Departments and Bureaus as relate to estimates for appropriations, and the necessities therefor. (18 Stat. 370.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1876, cited above.

All provisions for the submission of estimates of appropriations for the departments to Congress through the Secretary of the Treasury and the preparation by him of the Book of Estimates and inclusion therein of such annual estimates were superseded, and such estimates are to be submitted to the Bureau of the Budget and included in the Budget which is to be prepared by said Bureau for the President and by him is to be transmitted annually to Congress by provisions of Act June 10, 1921, ch. 18, *ante*, secs. 1139-1150.

Provisions relating to the annual reports of the heads of departments are set forth, *ante*, secs. 1132-1138.

Sec. 1175. (Act June 30, 1906, ch. 3914, sec. 9.) No act to be construed to make an appropriation or to authorize execution of contract in excess of appropriation unless it so declares in specific terms.

No Act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such Act shall in specific terms declare an appropriation to be made or that a contract may be executed. (34 Stat. 764.)

This was a section of the sundry civil appropriation act for the fiscal year 1906, cited above.

This section superseded a provision of Act July 1, 1902, ch. 351, 32 Stat. 560, which read as follows:

"Hereafter no Act of Congress shall be construed to make an appropriation out of the Treasury of the United States unless such Act shall, in specific terms, declare an appropriation to be made for the purpose or purposes specified in the Act."

Sec. 1176. (R. S. sec. 3673.) Appropriations to be applied solely to objects for which they are made.

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

Act March 3, 1809, ch. 28, sec. 1, 2 Stat. 535. Act February 12, 1868, ch. 8, sec. 2, 15 Stat. 36.

Sec. 1177. (R. S. sec. 3679, as amended by Act March 3, 1905, ch. 1484, sec. 4, and Act February 27, 1906, ch. 510, sec. 3.) No expenditures in excess of appropriations; acceptance of voluntary service or employment of personal service in excess of that authorized forbidden; appropriations for contingent expenses or other general purposes to be apportioned in monthly or other allotments; violation of section punishable.

No Executive Department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such Executive Department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month.

Act July 12, 1870, ch. 251, sec. 7, 16 Stat. 251. Act June 22, 1874, ch. 388, 18 Stat. 144. Act March 3, 1905, ch. 1484, sec. 4, 33 Stat. 1257. Act. February 27, 1906, ch. 510, sec. 3, 34 Stat. 48.

This section, as originally enacted, read as follows:

"No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations."

The section was amended by Act March 3, 1905, ch. 1484, sec. 4, cited above, to read as follows:

"No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.

All appropriations made for contingent expenses or other general purposes, except appropriations made for the fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent undue expenditures in one portion of the year that may require deficiency or additional appropriations to complete the service of the fiscal year; and all such apportionments shall be adhered to except when waived or modified in specific cases by the written order of the head of the Executive Department or other Government establishment having control of the expenditure, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and all such waivers or modifications, together with the reasons therefor, shall be communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month."

The section was again amended by Act February 27, 1906, ch. 510, sec. 3, also cited above, to read as here set forth.

A provision similar to that in the second sentence of this section as amended, forbidding the acceptance of voluntary service or the employment of personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property, was contained in Act May 1, 1884, ch. 37, 23 Stat. 17.

A provision prohibiting contracts or purchases unless authorized by law or under an adequate appropriation was made by R. S. sec. 3732, *post*, sec. 1352.

Contracts for erection, repair, or furnishing public buildings involving payment of some exceeding appropriations were prohibited by R. S. sec. 3733, *post*, sec. 1361.

Officers contracting for the erection, etc., of public buildings or for any public improvement in excess of the specific sum appropriated were punishable by R. S. sec. 5503, incorporated into the Criminal Code, Act March 4, 1909, ch. 321, sec. 98, *post*, sec. 1362.

Heads of departments were required to apportion the appropriations for contingent funds among the offices and bureaus of their departments by Act August 23, 1912, ch. 350, sec. 6, *post*, sec. 1186.

Sec. 1173. (Act May 28, 1896, ch. 252, sec. 1.) Footing of paragraphs to determine amount appropriated.

That hereafter the total amount appropriated in the various paragraphs of an appropriation Act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph contained therein unless otherwise expressly provided. (29 Stat. 148.)

This was a provision following an appropriation for the Department of State in the legislative, executive, and judicial appropriation act for the fiscal year 1897, cited above.

Sec. 1179. (R. S. sec. 3681.) Expenses of commissions and inquiries.

No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President.

Act August 26, 1842, ch. 202, sec. 25, 5 Stat. 533.

The use of public moneys or of any appropriation for compensation or expenses of any commission, etc., unless authorized by law, was forbidden, and details from any executive department, etc., in connection

with any such commission, etc., were also prohibited by Act March 4, 1909, ch. 299, sec. 9, *post*, sec. 1180.

Sec. 1180. (Act March 4, 1909, ch. 299, sec. 9.) Use of public moneys or appropriations for compensation or expenses of any commission, etc., forbidden unless authorized by law; details from executive departments in connection with such commission, etc., prohibited.

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body. (35 Stat. 1027.)

This was a section of the sundry civil appropriation act for the fiscal year 1910, cited above.

Accounting and disbursing officers were prohibited from allowing or paying accounts or charges connected with any commission or inquiry until special appropriations shall have been made therefor, by R. S. sec. 3681, *ante*, sec. 1179.

Sec. 1181. (R. S. sec. 3682.) Restrictions on contingent, etc., appropriations.

No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation.

Act July 12, 1870, ch. 251, sec. 3, 16 Stat. 250.

The employment at the seat of government in any of the executive departments or bureaus or offices thereof, and payment from any appropriations for contingent expenses, unless such employment was authorized and payment therefor specifically provided in the law granting the appropriation, was forbidden, by Act August 5, 1882, ch. 389, sec. 4, *ante*, sec. 985.

Sec. 1182. (R. S. sec. 3683.) Restrictions on purchases from contingent funds.

No part of the contingent fund appropriated to any Department, Bureau, or office, shall be applied to the purchase of any articles except such as the head of the Department shall deem necessary and proper to carry on the business of the Department, Bureau, or office, and shall, by written order, direct to be procured.

Act August 26, 1842, ch. 202, sec. 19, 5 Stat. 527.

Annual reports of the expenditures of contingent funds were required by R. S. sec. 193, and Act March 3, 1877, ch. 102, sec. 1, *ante*, secs. 1132, 1133.

Sec. 1183. (Act March 15, 1898, ch. 68, sec. 3.) Restrictions on purchase of law books, etc., from appropriations for contingent expenses, etc.

That hereafter law books, books of reference, and periodicals for use of any Executive Department, or other Government establishment not under an Executive Department, at the seat of Government, shall not be purchased or paid for from any appropriation made for contingent expenses or for any specific or general purpose unless such purchase is authorized and payment therefor specifically provided in the law granting the appropriation. (30 Stat. 316.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1899, cited above.

Sec. 1184. (R. S. sec. 1779.) Restriction upon payments for newspapers, etc.

No executive officer, other than the heads of Departments, shall apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.

Act March 3, 1839, ch. 82, sec. 3, 5 Stat. 349.

Expenditures for newspapers by the executive departments were restricted by R. S. sec. 192 as amended by Act June 22, 1906, ch. 3514, sec. 7, *post*, sec. 1185.

Sec. 1185. (R. S. sec. 192, as amended by Act June 22, 1906, ch. 3514, sec. 7.)
Limit on expenditures for newspapers.

The amount expended in any one year for newspapers, for any Department, except the Department of State, including all the Bureaus and offices connected therewith, shall not exceed one hundred dollars.

Act August 26, 1842, ch. 202, sec. 16, 5 Stat. 526. Act June 22, 1906, ch. 3514, sec. 7, 34 Stat. 449.

This section, as enacted in the Revised Statutes, contained the further provision, "And all newspapers purchased with the public money for the use of either of the Departments must be preserved as files for such Department."

Expenditures for newspapers, etc., by executive officers other than heads of departments were restricted by R. S. sec. 1779, *ante*, sec. 1184.

Sec. 1186. (Act August 23, 1912, ch. 350, sec. 6.) Apportionment of contingent funds of departments to offices and bureaus; articles purchasable out of contingent fund appropriations not to be purchased from other funds.

That in addition to the apportionment required by the so-called antideficiency Act, approved February twenty-seventh, nineteen hundred and six (Statutes at Large, volume thirty-four, page forty-nine), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor: and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, District of Columbia, which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus. (37 Stat. 414.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1913, cited above.

The provisions of Act February 27, 1906, ch. 510, sec. 3, referred to herein, amended R. S. sec. 3679, which section, as amended, is set forth, *ante*, sec. 1177.

Sec. 1187. (Act August 23, 1912, ch. 350, sec. 7.) Restrictions on expenditures for telephone service from private residences, etc.

That no money appropriated by this or any other Act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-

distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed. (37 Stat. 414.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1913, cited above.

Sec. 1188. (R. S. sec. 3690.) Expenditure of balances of appropriations.

All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.

Act July 12, 1870, ch. 251, sec. 5. 16 Stat. 251.

Sec. 1189. (R. S. sec. 3691.) Disposal of balances after two years.

All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury, whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his Office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated.

Act July 12, 1870, ch. 251, 16 Stat. 251.

Further provisions for the disposal of unexpended balances of appropriations were contained in Act June 20, 1874, ch. 328, sec. 5, and Act June 14, 1878, ch. 191, sec. 4. *post*, secs. 1190, 1191.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General, and all accounts of the Government are to be settled and adjusted in said Office, and all powers and duties of the Auditors of the Treasury Department were transferred to said Office, by provisions of Act June 10, 1921, ch. 18. *post*, secs. 1195-1200.

Sec. 1190. (Act June 20, 1874, ch. 328, sec. 5.) Unexpended balances to be carried to surplus fund; permanent specific appropriations excepted.

That from and after the first day of July, eighteen hundred and seventy-four, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury: *Provided*, That this provision shall not apply to permanent specific appropriations, appropriations for rivers, harbors, light-houses, fortifications, public buildings, or the pay of the Navy and

Marine Corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress, * * *. (18 Stat. 110.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1875, cited above.

Further provisions of this section, omitted here, requiring the Secretary of the Treasury to report balances of appropriations for specific objects that needed to be reappropriated, were temporary or were repealed by Act June 14, 1878, ch. 191, sec. 4, *post*, sec. 1191.

Provisions similar to those of this section, for the disposal of unexpended balances of appropriations remaining in the Treasury on July 1, 1904, were made by Act March 4, 1909, ch. 299, sec. 10, 35 Stat. 1027.

No specific or indefinite appropriation made in any regular annual appropriation act is to be construed as permanent unless it belongs to one of the five classes excepted from the operation of this section, or unless it is in terms made available continuously, by Act August 24, 1912, ch. 355, sec. 7, *post*, sec. 1193.

Sec. 1191. (Act June 14, 1878, ch. 191, sec. 4.) Reports of balances needed to be reappropriated abolished; examination of claims under appropriations exhausted or carried to surplus fund.

That so much of section five of the act approved June twentieth, eighteen hundred and seventy-four, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed. And it shall be the duty of the several accounting-officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years. And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. (20 Stat. 130.)

These were provisions of the deficiency appropriation act for the fiscal year 1878, cited above.

Act June 20, 1874, ch. 328, sec. 5, mentioned in this section, is set forth *ante*, sec. 1190.

Sec. 1192. (Act March 4, 1915, ch. 147, sec. 4.) Reappropriation of unexpended balance to another purpose to be construed as a new appropriation.

That the reappropriation and diversion of the unexpended balance of any appropriation to a purpose other than that for which it was originally made shall be construed and accounted hereafter as a new appropriation and the unexpended balance shall be reduced by the sum proposed to be so diverted. (38 Stat. 1161.)

This was a provision of the deficiency appropriation act for the fiscal year 1915, cited above.

Sec. 1193. (Act August 24, 1912, ch. 355, sec. 7.) Appropriations in annual appropriation acts not to be construed as permanent unless in terms expressly provided.

No specific or indefinite appropriation made hereafter in any regular annual appropriation Act shall be construed to be permanent

or available continuously without reference to a fiscal year unless it belongs to one of the following five classes: "Rivers and harbors," "lighthouses," "fortifications," "public buildings," and "pay of the Navy and Marine Corps," last specifically named in and excepted from the operation of the provisions of the so-called "covering-in Act" approved June twentieth, eighteen hundred and seventy-four, or unless it is made in terms expressly providing that it shall continue available beyond the fiscal year for which the appropriation Act in which it is contained makes provision. (37 Stat. 487.)

This was a section of the sundry civil appropriation act for the fiscal year 1913, cited above.

The provisions of Act June 20, 1874, ch. 328, sec. 5, mentioned in this section, are set forth *ante*, sec. 1190.

Sec. 1194. (Act June 23, 1874, ch. 476, sec. 1.) Appropriations for public buildings available until completion of work; disposal of balances.

That all moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, shall remain available until the completion of the work for which they are, or may be, appropriated; and upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury. (18 Stat. 275.)

This was a provision of an act entitled "An act to authorize the Secretary of the Treasury to suspend work upon the public buildings," cited above.

CHAPTER 30.

MONEYS AND ACCOUNTING.

Sec. 1195. (R. S. sec. 236, as amended by Act June 10, 1921, ch. 18, sec. 305.)
Public accounts to be settled in the General Accounting Office.

All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office.

Act March 3, 1817, ch. 45, sec. 2, 3 Stat. 366. Act June 10, 1921, ch. 18, sec. 305, 42 Stat. 24.

This section, as enacted in the Revised Statutes, reads as follows:

"All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury."

It was amended to read as above set forth, by an act entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes," last cited above.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General, by act June 10, 1921, ch. 18, sec. 301, *post*, sec. 1197.

Sec. 1196. (R. S. sec. 237, as amended by Act October 1, 1890, ch. 1256, sec. 9.)
Commencement of the fiscal year.

The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, and accounts of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of members and delegates, shall commence on the first day of July in each year: and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year, as thus established. The fiscal year for the adjustment of the accounts of Secretary of the Senate for compensation and traveling expenses of Senators, and of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of members and delegates shall extend to and include the third day of July.

Act August 26, 1842, ch. 207, secs. 1, 2, 5 Stat. 536-537. Act May 8, 1872, ch. 139, sec. 1, 17 Stat. 61. Act March 3, 1873, ch. 226, sec. 1, 17 Stat. 486. Act October 1, 1890, ch. 1256, sec. 9, 26 Stat. 646.

This section, as originally enacted in the Revised Statutes, was amended by said Act October 1, 1890, ch. 1256, sec. 9, cited above, by inserting the words "and accounts of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of members and delegates," and the words "and of the Sergeant-at-Arms of the House of Representatives for compensation and mileage of members and delegates," where these words occur in the amended section as above set forth.

Sec. 1197. (Act June 10, 1921, ch. 18, sec. 301.) General Accounting Office created under Comptroller General; offices of Comptroller of Treasury and Assistant Comptroller of Treasury abolished.

There is created an establishment of the Government to be known as the General Accounting Office, which shall be independent of the executive departments and under the control and direction of the Comptroller General of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1921. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the General Accounting Office at their grades and salaries on July 1, 1921, and all books, records, documents, papers, furniture, office equipment and other property of the office of the Comptroller of the Treasury shall become the property of the General Accounting Office. The Comptroller General is authorized to adopt a seal for the General Accounting Office. (42 Stat. 23.)

This was a section of an act entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes," cited above.

All powers and duties conferred or imposed upon the Comptroller of the Treasury were vested in and imposed upon the General Accounting Office and are to be exercised without direction from any other officer, by section 304 of this act, *post*, sec. 1199. See notes thereto.

Sec. 1198. (Act June 10, 1921, ch. 18, sec. 302.) Appointment of Comptroller General and Assistant Comptroller General; duties of Assistant.

There shall be in the General Accounting Office a Comptroller General of the United States and an Assistant Comptroller General of the United States, who shall be appointed by the President with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$7,500 a year, respectively. The Assistant Comptroller General shall perform such duties as may be assigned to him by the Comptroller General, and during the absence or incapacity of the Comptroller General, or during a vacancy in that office, shall act as Comptroller General. (42 Stat. 23.)

This was a section of an act entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes," cited above.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General by section 301 of this act, *ante*, section 1197. See note to said section.

Sec. 1199. (Act June 10, 1921, ch. 18, sec. 304.) Powers and duties of Comptroller of the Treasury and the Auditors and duties of Division of Bookkeeping and Warrants as to personal ledger accounts vested in General Accounting Office; conclusiveness of balances certified by Comptroller General; revision of Auditors' settlements discontinued.

All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with this Act, be vested in and imposed upon the General Accounting Office and be exercised without direction from any other officer. The balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government. The revision by the Comptroller General of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1921. (42 Stat. 24.)

These were provisions of an act entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes," cited above.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General, and the office of the Comptroller of the Treasury was abolished, and all books, records, etc., thereof were made the property of the General Accounting Office, by section 301 of this act, *ante*, sec. 1197; and the offices of the six auditors were abolished, and the books, records, etc., thereof, and also those of the Division of Bookkeeping and Warrants, so far as they relate to the work of said division transferred by this section, were made the property of the General Accounting Office by section 310 of this act, *post*, sec. 1200.

Provisions previous to those of this Act for rendering and for examination and settlement of accounts were made, and the powers and duties of the Comptroller of the Treasury and the six auditors of the Treasury Department in respect thereto were prescribed, by provisions of Act July 31, 1894, ch. 174; Act March 29, 1894, ch. 49; Act February 19, 1897, ch. 265; Act March 15, 1898, ch. 68; Act August 23, 1912, *post*, secs. 1201-1212, 1217, 1218.

The distribution of accounts among the Auditors and their duties in regard thereto were prescribed by section 7 of Act July 31, 1894, ch. 174, and provisions of said section for the examination of the accounts of the Secretary of Agriculture and of the Department of Agriculture and the certification of balances arising thereon, by the Auditor of the State and other Departments, are set forth, *post*, sec. 1201.

Balances certified by the Auditors to the Division of Bookkeeping and Warrants upon the settlement of public accounts were made final and conclusive upon the Executive Branch of the Government, except that as to accounts so settled revision thereof by the Comptroller of the Treasury was provided for, by Act July 31, 1894, ch. 174, sec. 8, *post*, sec. 1202.

The Division of Bookkeeping and Warrants was established under the direction of the Secretary of the Treasury and was required to keep upon its books all accounts of receipts and expenditures of public money, except those relating to the postal service, by Act July 31, 1894, ch. 174, sec. 10, 28 Stat. 208; and an appropriation to enable the Secretary of the Treasury to effect a change in the methods of bookkeeping in the Department, and to install a double-entry system of bookkeeping, was made by Act March 4, 1907, ch. 2919, sec. 1, 34 Stat. 1372.

Sec. 1200. (Act June 10, 1921, ch. 18, sec. 310.) Offices of Auditors abolished.

The offices of the six auditors shall be abolished, to take effect July 1, 1921. All other officers and employees of these offices except as otherwise provided herein shall become officers and employees of the General Accounting Office at their grades and salaries on July 1, 1921. All books, records, documents, papers, furniture, office equipment, and other property of these offices, and of the Division of Bookkeeping and Warrants, so far as they relate to the work of such division transferred by section 304, shall become the property of the General Accounting Office. (42 Stat. 25.)

These were provisions of section 310 of an act entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes," cited above.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General by section 301 of this act, *ante*, sec. 1197, and all powers and duties conferred or imposed upon the six auditors of the Treasury Department were vested in and imposed upon the General Accounting Office and are to be exercised without direction from any other officer, by section 304 of said act, *ante*, sec. 1199. See notes to said sections.

Sec. 1201. (Act July 31, 1894, ch. 174, sec. 7.) Settlement of accounts of the Department of Agriculture by Auditor for the State and other Departments; certification of balances to the Department.

The Auditor for the State and other Departments shall receive and examine all accounts of salaries and incidental expenses of the offices of the Secretary of State, the Attorney-General, and the Secretary of Agriculture, and of all bureaus and offices under their direction; all accounts relating to all other business within the jurisdiction of the Departments of State, Justice, and Agriculture; * * * He shall certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate, according to the character of the account, to the * * * chief officer of the Executive Department * * * concerned. (28 Stat. 207.)

This was a portion of a paragraph of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1895, cited above.

Other paragraphs of this section as enacted, omitted here, provided similarly for the examination of the accounts of other enumerated departments and establishments of the Government and the certification of balances arising thereon by each of the other five auditors, respectively. Portions of this paragraph of said section, also omitted here as indicated, were applicable only to accounts relating to enumerated branches and establishments other than the three departments named in the portion here set forth.

The balances certified by the Auditors to the Division of Bookkeeping and Warrants, as provided by this section, were made conclusive on the Executive Branch of the Government, and revision of personal accounts so settled, by the Comptroller of the Treasury, was provided for by section 8 of this act, *post*, sec. 1202. See note to said section relating to the abolition of the office of the Comptroller of the Treasury and the offices of the six auditors and the transfer of the powers and duties of said officials, and duties of the Division of Bookkeeping and Warrants, to the General Accounting Office.

All warrants for the advance of money was required to be accompanied by the Auditor's certificate mentioned in this section, or by the requisition for advance of money, by a provision of section 11 of this act, 28 Stat. 209.

Sec. 1202. (Act July 31, 1894, ch. 174, sec. 8.) Conclusiveness of balances certified by Auditors of Treasury and revision of accounts.

The balances which may from time to time be certified by the Auditors to the Division of Bookkeeping and Warrants, or to the Postmaster-General, upon the settlements of public accounts, shall be final and conclusive upon the Executive Branch of the Government, except that any person whose accounts may have been settled, the head of the Executive Department, or of the board, commission, or establishment not under the jurisdiction of an Executive Department, to which the account pertains, or the Comptroller of the Treasury, may, within a year, obtain a revision of the said account by the Comptroller of the Treasury, whose decision upon such revision shall be final and conclusive upon the Executive Branch of the Government: *Provided*, That the Secretary of the Treasury may, when in his judgment the interests of the Government require it, suspend payment and direct the re-examination of any account.

Upon a certificate by the Comptroller of the Treasury of any differences ascertained by him upon revision the Auditor who shall have audited the account shall state an account of such differences, and certify it to the Division of Bookkeeping and Warrants, except that balances found and accounts stated as aforesaid by the Auditor for the Post-Office Department for postal revenues and expenditures therefrom shall be certified to the Postmaster-General.

Any person accepting payment under a settlement by an Auditor shall be thereby precluded from obtaining a revision of such settlement as to any items upon which payment is accepted; but nothing in this Act shall prevent an Auditor from suspending items in an account in order to obtain further evidence or explanations necessary to their settlement. When suspended items are finally settled a revision may be had as in the case of the original settlement. Action upon any account or business shall not be delayed awaiting applications for revision: *Provided*, That the Secretary of the Treasury shall make regulations fixing the time which shall expire before a warrant is issued in payment of an account certified as provided in sections seven and eight of this Act.

The Auditors shall, under the direction of the Comptroller of the Treasury, preserve, with their vouchers and certificates, all accounts which have been finally adjusted.

All decisions by Auditors making an original construction or modifying an existing construction of statutes shall be forthwith reported to the Comptroller of the Treasury, and items in any account affected by such decisions shall be suspended and payment thereof withheld until the Comptroller of the Treasury shall approve, disapprove, or modify such decisions and certify his actions to the Auditor. All decisions made by the Comptroller of the Treasury under this Act shall be forthwith transmitted to the Auditor or Auditors whose duties are affected thereby.

Disbursing officers, or the head of any Executive Department, or other establishment not under any of the Executive Departments, may apply for and the Comptroller of the Treasury shall render his decision upon any question involving a payment to be made by them or under them, which decision, when rendered, shall govern the Auditor and the Comptroller of the Treasury in passing upon the account containing said disbursement. (28 Stat. 207.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1895, cited above.

A provision at the end of this section, omitted here, repealed R. S. sec. 191, which made settlements of public accounts in the Treasury Department conclusive upon the executive branch of the Government.

The duties of the six auditors, respectively, relating to examination of the accounts of various departments and establishments of the Government and certification of balances arising thereon, were prescribed by section 7 of this act, and the Auditor for the State and Other Departments was required to receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Agriculture, and of all bureaus and offices under his direction, and all accounts relating to all other business within the jurisdiction of the Department of Agriculture, and to certify the balances arising on such accounts to the Division of Bookkeeping and Warrants, and to send a copy of each certificate to the Secretary of Agriculture, by provisions of said section set forth, *ante*, section 1201.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General, and the office of the Comptroller of the Treasury and the offices of the six auditors were abolished, and all powers and duties conferred or imposed upon the Comptroller of the Treasury and the six auditors, and the duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury, relating to keeping personal ledger accounts of disbursing and collecting officers, were vested in the General Accounting Office, to be exercised without direction from any other officer, and the balances certified by the Comptroller General are to be final and conclusive upon the Executive branch of the Government, and the revision by the Comptroller General of Auditor's settlements was discontinued by act June 10, 1921, ch. 18, secs. 301, 304, 310, *ante*, secs. 1197, 1199, 1200.

Sec. 1203. (R. S. sec. 271, as amended by Act July 31, 1894, ch. 174, sec. 6.)
Power of Comptroller to direct settlement of particular account.)

The Comptroller of the Treasury, in any case where, in his opinion, the interests of the Government require it, shall direct any of the Auditors forthwith to audit and settle any particular account which such Auditor is authorized to audit and settle.

Act March 3, 1809, ch. 28, sec. 2, 2 Stat. 536. Act July 31, 1894, ch. 174, sec. 6, 28 Stat. 206.

See last note to section 1202, *ante*, as to the creation of the General Accounting Office, the abolition of the office of the Comptroller of the Treasury and the offices of the six auditors of the Treasury, and the transfer of the powers and duties of said officials to said General Accounting Office.

Sec. 1204. (Act July 31, 1894, ch. 174, sec. 12, as amended by Act March 2, 1895, ch. 177, sec. 4.) Rendition of current accounts for administrative examination and transmission to Auditor; regulations and orders relating thereto.

All monthly accounts shall be mailed or otherwise sent to the proper officer at Washington within ten days after the end of the month to which they relate, and quarterly and other accounts within twenty days after the period to which they relate, and shall be transmitted to and received by the Auditors within twenty days of their actual receipt at the proper office in Washington in the case of monthly, and sixty days in the case of quarterly and other accounts. Should there be any delinquency in this regard at the time of the receipt by the Auditor of a requisition for an advance of money, he shall disapprove the requisition, which he may also do for other reasons arising out of the condition of the officer's accounts for whom the advance is requested; but the Secretary of the Treasury may overrule the Auditor's decision as to the sufficiency of these latter reasons: *Provided*, That the Secretary of the Treasury shall prescribe suitable rules and regulations, and may make orders in particular cases, relaxing the requirement of mailing or otherwise sending accounts, as aforesaid, within ten or twenty days, or waiving delinquency, in such cases only in which there is, or is likely to be, a manifest physical difficulty in complying with the same, it being the purpose of this provision to require the prompt rendition of accounts without regard to the mere convenience of the officers, and to forbid the advance of money to those delinquent in rendering them: *Provided further*, That should there be a delay by the administrative Departments beyond the aforesaid twenty or sixty days in transmitting accounts, an order of the President, or, in the event of the absence from the seat of Government or sickness of the President, an order of the Secretary of the Treasury, in the particular case, shall be necessary to authorize the advance of money requested. (28 Stat. 209; 28 Stat. 807.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1895, cited above, as amended by the similar act of the fiscal year 1896, also cited above. The amendment consisted in the insertion, in the second proviso, of the words "or in the event of the absence from the seat of Government or sickness of the President, an order of the Secretary of the Treasury," so as to make the section read as above.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General, by Act June 10, 1921, ch. 18, sec. 301, *ante*, sec. 1197, and all accounts in which the Government is concerned are to be settled and adjusted

in said General Accounting Office, by R. S. sec. 236, as amended by section 305 of said act, *ante*, section 1195, and the offices of the six auditors of the Treasury Department were abolished by section 310 of said act, *ante*, sec. 1200, and all powers and duties conferred or imposed on the six auditors were transferred to the General Accounting Office and are to be exercised without direction from any other officer, by section 304 of said act, *ante*, sec. 1199, and the Comptroller General was required to prescribe the forms, systems, and procedure for administrative accounting in the departments, etc., by section 309 of said act, *post*, sec. 1214.

Provisions for the administrative examination of public accounts in the departments, etc., preliminary to their transmission for auditing, were made by Act August 23, 1912, ch. 350, sec. 1, and Act July 31, 1894, ch. 174, sec. 22, *post*, secs. 1207, 1208.

A further provision of this section, requiring reports to Congress by the Secretary of the Treasury of officers delinquent in rendering accounts or in making settlement of accounts, is set forth, as amended by Act 28, 1896, ch. 252, sec. 4, *post*, sec. 1205.

Civil proceedings against disbursing officers who fail to render accounts for public money, in the manner and at the times required, were required by R. S. sec. 3633, *post*, sec. 1249.

Failure of an officer to render accounts for public money was declared to be embezzlement, and was made punishable by fine and imprisonment, by Act March 4, 1909, ch. 321, sec. 90, *post*, sec. 1283.

Sec. 1205. (Act July 31, 1894, ch. 174, sec. 12, as amended by Act May 28, 1896, ch. 252, sec. 4.) Reports by Secretary of Treasury to Congress of officers and departments, etc., delinquent in rendering accounts.

The Secretary of the Treasury shall, on the first Monday of January in each year, make report to Congress of such officers and administrative departments and offices of the Government as were, respectively, at any time during the last preceding fiscal year delinquent in rendering or transmitting accounts to the proper offices in Washington and the cause therefor, and in each case indicating whether the delinquency was waived, together with such officers, including postmasters and officers of the Post-Office Department, as were found upon final settlement of their accounts to have been indebted to the Government, with the amount of such indebtedness in each case, and who, at the date of making report, had failed to pay the same into the Treasury of the United States. (28 Stat. 209, 29 Stat. 179.)

This provision was a part of section 12 of the legislative, executive, and judicial appropriation act for the fiscal year 1895, cited above, as amended by the similar act for the fiscal year 1897, also cited above. The provision as enacted in the act first cited read as follows:

"The Secretary of the Treasury shall, on the first Monday of January in each year, make report to Congress of such officers as are then delinquent in the rendering of their accounts or in the payment of balances found due from them for the last preceding fiscal year. Sections two hundred and fifty and two hundred and seventy-two of the Revised Statutes are repealed."

R. S. secs. 250 and 272, repealed by this section as originally enacted, made it the duty of the Secretary of the Treasury to require settlements of accounts of public money within the fiscal year or other fixed periods, and required a report to Congress by the First Comptroller of officers failing to make settlements.

A further provision at the end of this section, as originally enacted, amended R. S. sec. 3622, which is set forth as amended, *post*, sec. 1235.

Preceding provisions of this section of said Act July 31, 1894, ch. 174, as amended by Act March 2, 1895, ch. 177, sec. 4, relating to the rendition of current accounts for administrative examination and of transmission to the Treasury Department, are set forth *ante*, sec. 1204. See notes thereto.

Sec. 1206. (Act July 31, 1894, ch. 174, sec. 14.) Examination of accounts presented without administrative examination.

In the case of claims presented to an Auditor which have not had an administrative examination, the Auditor shall cause them to be examined by two of his subordinates independently of each other. (28 Stat. 210.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1895, cited above.

Administrative examination of accounts of the departments was provided for by section 22 of this act, *post*, sec. 1208. See notes thereto.

Sec. 1207. (Act August 23, 1912, ch. 350, sec. 1.) Administrative examination of accounts and preparation and examination of vouchers and pay rolls by heads of divisions and bureaus; duties of disbursing clerks and officers.

Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July thirty-first, eighteen hundred and ninety-four, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers heretofore prepared outside of Washington may continue to be so prepared and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States. (37 Stat. 375.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1913, cited above.

The provision of Act July 31, 1894, ch. 174, secs. 12, 22, referred to in this provisions, were set forth, *ante*, sec. 1204, and *post*, 1208. See notes thereto.

Sec. 1208. (Act July 31, 1894, ch. 174, sec. 22.) Regulations by Secretary of Treasury for carrying out provisions of Act; regulations by heads of departments, etc., for administrative examination of accounts, etc.

It shall be the duty of the Secretary of the Treasury to make appropriate rules and regulations for carrying out the provisions of this Act, and for transferring or preserving books, papers, or other property appertaining to any office or branch of business affected by it.

It shall also be the duty of the heads of the several Executive Departments and of the proper officers of other Government establishments, not within the jurisdiction of any Executive Department, to make appropriate rules and regulations to secure a proper administrative examination of all accounts sent to them, as required by section twelve of this Act, before their transmission to the Auditors, and for the execution of other requirements of this Act in so far as the same relate to the several Departments or establishments. (28 Stat. 210.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1895, cited above.

The provisions of section 12 of this act, referred to in this provision, are set forth *ante*, sec. 1204.

Provisions requiring the administrative examination of all accounts, preliminary to their audit by the accounting officers of the Treasury, to be made as contemplated by this act, and requiring vouchers and pay rolls to be prepared and examined by and through the administrative heads of

divisions and bureaus in the executive departments, were made by section 12 of this act, *ante*, sec. 1204, and by Act August 23, 1912, ch. 350, sec. 1, *ante*, sec. 1207.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General, and the office of the Comptroller of the Treasury and the offices of the six auditors of the Treasury Department were abolished, and the powers and duties of the Comptroller of the Treasury and the six auditors were transferred to the General Accounting Office and are to be exercised without direction from any other officer, by Act June 10, 1921, ch. 18, secs. 301, 304, 310, *ante*, secs. 1197, 1199, 1200, and the Comptroller General was required to prescribe the forms, systems, and procedure for administrative accounting in the several departments by section 309 of said Act. *post*, sec. 1214.

Sec. 1209. (Act March 29, 1894, ch. 49, sec. 1.) Property returns by department officers; certification to accounting officer of Treasury Department of charges for losses of public property.

That instead of forwarding to the accounting officers of the Treasury Department returns of public property entrusted to the possession of officers or agents, the Quartermaster-General, the Commissary-General of Subsistence, the Surgeon-General, the Chief of Engineers, the Chief of Ordnance, the Chief Signal Officer, the Paymaster-General of the Navy, the Commissioner of Indian Affairs, or other like chief officers in any Department, by, through, or under whom stores, supplies, and other public property are received for distribution, or whose duty it is to receive or examine returns of such property, shall certify to the proper accounting officer of the Treasury Department, for debiting on the proper account, any charge against any officer or agent intrusted with public property, arising from any loss, accruing by his fault, to the Government as to the property so intrusted to him. (28 Stat. 47.)

This section and the three sections next following were sections 1 to 4 of an act entitled "An act to regulate the making of property returns by officers of the Government," cited above. Section 5 of the act repealed all inconsistent laws.

Provisions for rendering accounts for administrative examination and transmission thereof to the Auditors of the Treasury Department were made by Act July 31, 1894, ch. 174, sec. 12, *ante*, sec. 1204; and the offices of said auditors of the Treasury Department were abolished, and all powers and duties thereof were transferred to the General Accounting Office, which was created an independent establishment of the Government and under the control and direction of the Comptroller General, to be exercised without direction from any other officer, by Act June 10, 1921, ch. 18, secs. 301, 304, 310, *post*, secs. 1197, 1199, 1200.

Sec. 1210. (Act March 29, 1894, ch. 49, sec. 2.) Certificate as to lost property; contents; effect.

That said certificate shall set forth the condition of such officer's or agent's property returns, that it includes all charges made up to its date and not previously certified, that he has had a reasonable opportunity to be heard and has not been relieved of responsibility; the effect of such certificate, when received, shall be the same as if the facts therein set forth had been ascertained by the accounting officers of the Treasury Department in accounting. (28 Stat. 47.)

See note to preceding section of this act, *ante*, sec. 1209.

Sec. 1211. (Act March 29, 1894, ch. 49, sec. 3.) Manner of making property returns or of ascertaining liability not affected by act.

That the manner of making property returns to or in any administrative bureau or department, or of ascertaining liability for prop-

erty. under existing laws and regulations, shall not be affected by this Act, except as provided in section one; but in all cases arising as to such property so intrusted the officer or agent shall have an opportunity to relieve himself from liability. (28 Stat. 47.)

See note to section 1 of this act, *ante*, sec. 1209.

Sec. 1212. (Act March 29, 1894, ch. 49, sec. 4.) Regulations by heads of Departments for carrying out provisions of act.

That the heads of the several Departments are hereby empowered to make and enforce regulations to carry out the provisions of this Act. (28 Stat. 47.)

See note to section 1 of this act, *ante*, sec. 1209.

Sec. 1213. (Act June 10, 1921, ch. 18, sec. 307.) Payment of adjusted or settled accounts or claims through disbursing officers of departments.

The Comptroller General may provide for the payment of accounts or claims adjusted and settled in the General Accounting Office, through disbursing officers of the several departments and establishments, instead of by warrant. (42 Stat. 25.)

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General by sections 301 and 302 of this act, *ante*, secs. 1197, 1198; and all accounts and claims in which the Government is concerned are to be settled or adjusted in said General Accounting Office, by R. S. sec. 236, as amended by section 305 of this act, *ante*, sec. 1195.

Sec. 1214. (Act June 10, 1921, ch. 18, sec. 309.) Forms, systems, and procedure for accounting in departments, etc., to be prescribed.

The Comptroller General shall prescribe the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments, and for the administrative examination of fiscal officers' accounts and claims against the United States. (42 Stat. 25.)

This section, and section 301 of this act, *ante*, sec. 1197, creating the General Accounting Office an independent establishment of the Government and under the control and direction of the Comptroller General, and abolishing the office of the Comptroller of the Treasury, and section 302 of said act, *ante*, sec. 1198, providing for the appointment of the Comptroller General, and section 304 of said act, *ante*, sec. 1199, transferring to the General Accounting Office the powers and duties conferred or imposed on the Comptroller of the Treasury, superseded a provision of Act July 31, 1894, ch. 174, sec. 5, 28 Stat. 206, which read as follows:

"The Comptroller of the Treasury shall, under the direction of the Secretary of the Treasury, prescribe the forms of keeping and rendering all public accounts, except those relating to the postal revenues and expenditures therefrom."

Provisions relating to the administrative examination of accounts in the departments, etc., were made by Act August 23, 1912, ch. 350, sec. 1, and Act July 31, 1894, ch. 174, secs. 12, 22, *ante*, secs. 1204, 1207, 1208.

Sec. 1215. (Act June 10, 1921, ch. 18, sec. 312.) Investigation by Comptroller General of all matters relating to public funds; reports and recommendations to President and Congress; special reports; special reports of expenditures and contracts by departments, etc., violation of law; reports upon adequacy and effectiveness of administrative examination of accounts and claims in departments, etc., and of departmental inspection of offices and accounts of fiscal officers.

(a) The Comptroller General shall investigate, at the seat of government or elsewhere, all matters relating to the receipt, disbursement, and application of public funds, and shall make to the Presi-

dent when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the General Accounting Office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt, disbursement, and application of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

(c) The Comptroller General shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

(d) He shall submit to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

(e) He shall furnish such information relating to expenditures and accounting to the Bureau of the Budget as it may request from time to time. (42 Stat. 25.)

This was a section of an act entitled "An act to provide a national budget system, and an independent audit of Government accounts, and for other purposes," cited above.

The General Accounting Office was created as an independent establishment of the Government and under the control and direction of the Comptroller General, and the appointment of the Comptroller General was provided for, by sections 301 and 302 of this act, *ante* secs. 1197, 1198.

The Secretary of the Treasury was required to report to Congress annually as to delinquencies of officers and administrative departments and offices of the Government in rendering and transmitting accounts, by act July 31, 1894, ch. 174, sec. 12, *ante* sec. 1205.

Sec. 1216. (Act June 10, 1921, ch. 18, sec. 313.) Departments, etc., to furnish Comptroller General information regarding powers, duties, activities, etc.; access to records, etc.

All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. (42 Stat. 26.)

This was a provision of an act entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes," cited above.

The General Accounting Office was created an independent establishment of the Government under the control and direction of the Comptroller General, the appointment of the Comptroller General was provided

for, the office of the Comptroller of the Treasury and the offices of the six auditors were abolished, and the powers and duties conferred or imposed on the Comptroller of the Treasury and the six auditors were transferred to the General Accounting Office and to be exercised without direction from any officer, by provisions of sections 301, 302, 304, 310 of this act, *ante*, secs. 1197-1200.

This section practically superseded provisions of Act February 19, 1897, ch. 265, sec. 1, and Act March 15, 1898, ch. 68, sec. 5, *post*, secs. 1217, 1218.

Sec. 1217. (Act February 19, 1897, ch. 265, sec. 1.) Inspection of accounts of disbursing officers in the District of Columbia by Comptroller and Auditors of Treasury.

All books, papers, and other matters relating to the office or accounts of disbursing officers of the Executive Departments, and commissions, boards, and establishments of the Government in the District of Columbia shall at all times be subject to inspection and examination by the Comptroller of the Treasury and the Auditor of the Treasury authorized to settle such accounts, or by the duly authorized agents of either of said officials. (29 Stat. 550.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1898, cited above.

A similar provision of the similar appropriation act for the fiscal year next following, Act March 15, 1898, ch. 68, sec. 5, is set forth, *post*, sec. 1218. See note thereto.

Sec. 1218. (Act March 15, 1898, ch. 68, sec. 5.) Inspection of accounts of officers in the District of Columbia by Comptroller and Auditors of Treasury.

All books, papers, and other matters relating to the accounts of officers of the Government in the District of Columbia shall at all times be subject to inspection and examination by the Comptroller of the Treasury and the Auditor of the Treasury authorized to settle such accounts, or by the duly authorized agents of either of said officials. (30 Stat. 316.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1899, cited above.

This provision and a provision of the same nature in the similar appropriation act for the preceding fiscal year, Act February 19, 1897, ch. 265, sec. 1, *ante*, sec. 1217, were practically superseded by provisions of Act June 10, 1921, ch. 18, sec. 313, *ante*, sec. 1216. See note thereto.

Sec. 1219. (Act June 10, 1921, ch. 18, sec. 308.) Duties relating to covering revenues and repayments into Treasury, issue of duplicate checks and warrants, and certification of outstanding liabilities for payment, to be performed by Division of Bookkeeping and Warrants of Office of Secretary of the Treasury.

The duties now appertaining to the Division of Public Moneys of the Office of the Secretary of the Treasury, so far as they relate to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment, shall be performed by the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury. (42 Stat. 25.)

This was a section of an act entitled "An act to provide a national budget system and an independent audit of Government accounts, and for other purposes," cited above.

The duties of the Division of Bookkeeping and Warrants of the Office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers were transferred to the General Accounting Office by section 304 of this act, *ante*, sec. 1199.

Sec. 1220. (R. S. sec. 306.) Disposal of liabilities outstanding three or more years.

At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks, issued by the Treasurer, or by any disbursing officer of any Department of the Government, upon the Treasurer or any assistant treasurer, or designated depository of the United States, or upon any national bank designated as a depository of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities."

Act May 2, 1866, ch. 70, secs. 1, 4, 14 Stat. 41, 42.

The Auditor of the Treasury was required to report at the end of each fiscal year to the Secretary of the Treasury all checks issued by disbursing officers of the Government unpaid for three years, by Act July 1, 1916, ch. 209, sec. 5, *post*, sec. 1225.

Sec. 1221. (R. S. sec. 307, as amended by Act July 31, 1894, ch. 174, sec. 16.) Vouchers for drafts remaining outstanding for three or more years.

The certificate of the Secretary of the Treasury, stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by the preceding section, shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in the preceding section shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks.

Act May 2, 1866, ch. 70, sec. 2, 14 Stat. 41. Act July 31, 1894, ch. 174, sec. 16, 28 Stat. 210.

The amendment of this section by Act July 31, 1894, ch. 174, sec. 16, cited above, consisted in the substitution of the words "Secretary of the Treasury," in the first line of the section, for the words "Register of the Treasury," in the section as originally enacted.

Sec. 1222. (R. S. sec. 308.) Payment upon presentation of outstanding drafts.

The payee or the bona-fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to the preceding sections, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States.

Act May 2, 1866, ch. 70, sec. 3, 14 Stat. 42.

Sec. 1223. (R. S. sec. 309.) Accounts of disbursing officers remaining unchanged for three years.

The amounts, except such as are provided for in section three hundred and six, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the proper accounting officer of the Department of the Treasury on the books of the Department, to the officer in whose name it had stood on the books of any agency of the Treasury, if it appears that he is entitled to such credit.

Act May 2, 1866, ch. 70, sec. 5, 14 Stat. 42.

R. S. sec. 306, mentioned in this section, is set forth, *ante*, sec. 1220.

Sec. 1224. (R. S. sec. 310.) Reports by Treasurer, assistant treasurers, etc., of condition of accounts; reports by disbursing officers of outstanding checks.

The Treasurer, each assistant treasurer, and each designated depository of the United States, and the cashier of each of the national banks designated as such depositories, shall, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as in the preceding section specified, on the books of their respective offices, stating the name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. And each disbursing officer shall make a like return of all checks issued by him, and which may then have been outstanding and unpaid for three years and more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, number, and amount for which it was drawn, and, when known, the residence of the payee.

The last sentence of this section was superseded by Act July 1, 1916, ch. 209, sec. 5, *post*, sec. 1225.

Sec. 1225. (Act July 1, 1916, ch. 209, sec. 5.) Reports of auditors to Secretary of Treasury of unpaid checks issued by disbursing officers.

That hereafter at the termination of each fiscal year each Auditor of the Treasury shall report to the Secretary of the Treasury all checks issued by any disbursing officer of the Government as shown by his accounts rendered to such auditor, which shall then have been outstanding and unpaid for three years or more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, the number, and the amount for which it was drawn, and, when known, the residence of the payee. And such reports shall be in lieu of the returns required of disbursing officers by section three hundred and ten of the Revised Statutes. (39 Stat. 536.)

This was a section of the sundry civil appropriation act for the fiscal year 1917, cited above.

R. S. sec. 310, mentioned in this section, is set forth, *ante*, sec. 1224. The provision thereof relating to returns of disbursing officers is repealed by this section.

The General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General by Act June 10, 1921, ch. 18, sec. 301, *ante*, sec. 1197, and the offices of the six auditors of the Treasury Department were abolished and their powers and duties were transferred to the General Accounting Office by sections 304 and 310 of said Act, *ante*, secs. 1199, 1200.

Sec. 1226. (R. S. sec. 3615.) Collectors of public moneys in the District of Columbia to pay over same to Treasurer; such collectors in specified cities to pay over to assistant treasurers.

All collectors and receivers of public money of every description, within the District of Columbia, shall, as often as they may be directed by the Secretary of the Treasury or the Postmaster-General so to do, pay over to the Treasurer of the United States, at the Treasury, all public moneys collected by them or in their hands. All such collectors and receivers of public moneys within the cities of New York, Boston, Philadelphia, New Orleans, San Francisco, Baltimore, Charleston, and Saint Louis shall, upon the same direction, pay over to the assistant treasurers in their respective cities, at their offices, respectively, all the public moneys collected by them, or in their hands; to be safely kept by the respective depositaries, until otherwise disposed of according to law. It shall be the duty of the Secretary and Postmaster-General, respectively, to direct such payments by the collectors and receivers at all the said places, at least as often as once in each week, and as much oftener as they may think proper.

Act August 6, 1846, ch. 90, sec. 9, 9 Stat. 61. Act February 12, 1873, ch. 131, sec. 65, 17 Stat. 435.

All other persons than those mentioned in this section, having public moneys to be paid to the United States, may pay the same to designated, constituted depositaries, by R. S. sec. 3616, *post*, sec. 1227.

Sec. 1227. (R. S. sec. 3616.) Persons other than those mentioned in R. S. sec. 3615 to pay public money to designated constituted depositaries.

All marshals, district attorneys, and other persons than those mentioned in the preceding section, having public money to pay to the United States, may pay the same to any depositary constituted by or in pursuance of law, which may be designated by the Secretary of the Treasury.

Act August 6, 1846, ch. 90, sec. 15, 9 Stat. 62. Act July 8, 1870, ch. 230, sec. 111, 16 Stat. 416.

R. S. sec. 3615, referred to in this section, is set forth, *ante*, sec. 1226.

Sec. 1228. (R. S. sec. 3617.) Money to be deposited without deduction.

The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in the next section, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post-Office Department.

Act March 3, 1849, ch. 110, sec. 1, 9 Stat. 398. Act September 28, 1850, ch. 78, sec. 3, 9 Stat. 507.

R. S. sec. 3618, referred to in this section, is set forth as amended by Act February 27, 1877, ch. 69, sec. 1, *post*, sec. 1230.

Sec. 1229. (Act March 3, 1883, ch. 143.) Receipts from private telegrams sent over Government lines to be paid into Treasury.

That on and after the first day of July, eighteen hundred and eighty-three, all moneys received for the transmission of private dispatches over any and all telegraph lines owned or operated by the United States, shall be paid into the Treasury of the United States, as required by section thirty-six hundred and seventeen of the Revised Statutes; and all acts or parts of acts inconsistent herewith are hereby repealed. (22 Stat. 616.)

This is a provision of the sundry civil appropriation act for the fiscal year 1884, cited above.

R. S. sec. 3617, mentioned in this provision, is set forth, *ante*, sec. 1228.

Sec. 1230. (R. S. sec. 3618, as amended by Act February 27, 1877, ch. 69, sec. 1.) Proceeds of sales of public property to be deposited in Treasury as miscellaneous receipts.

All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue-cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, or of materials, stores, or supplies sold to officers and soldiers of the Army, or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law.

Act March 3, 1847, ch. 48, sec. 1, 9 Stat. 171. Act April 20, 1866, ch. 63, secs. 1, 2, 14, Stat. 40. Act July 28, 1866, ch. 299, sec. 25, 14 Stat. 336. Act May 3, 1872, ch. 140, sec. 5, 17 Stat. 83. Act June 8, 1872, ch. 348, 17 Stat. 337. Act February 27, 1877, ch. 69, sec. 1, 19 Stat. 249.

This section, as originally enacted, was amended by said Act February 27, 1877, ch. 69, sec. 1, cited above, by the insertion of the words "or of materials, stores, or supplies sold to officers and soldiers of the Army," where they occur in the amended section above set forth.

The payment, from the proceeds of sales of public property, of the expenses of such sales, was authorized by Act June 8, 1896, ch. 373, sec. 1, *post*, sec. 1231.

Statements of all moneys received by heads of departments, etc., from proceeds of public property or other sources, and of all payments from such funds, were required by Act June 30, 1906, ch. 3914, sec. 5, *ante*, sec. 1173.

Sec. 1231. (Act June 8, 1896, ch. 373, sec. 1.) Payment of expenses of sales of property from proceeds.

That from the proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of "proceeds of Government property" or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales, as approved by the accounting officers of the Treasury, so as to require only the net proceeds of such sales to be deposited into the Treasury, either as

miscellaneous receipts or to the credit of such appropriations, as the case may be. (29 Stat. 268.)

This was a provision of the deficiency appropriation act for the fiscal year 1896, cited above.

Deposit in the Treasury of all proceeds of sales of old material or other public property was required by R. S. sec. 3618, as amended by Act February 27, 1877, ch. 69, sec. 1. *ante*, sec. 1230. See last note thereto.

Sec. 1232. (R. S. sec. 3619.) Penalty for withholding money received.

Every officer or agent who neglects or refuses to comply with the provisions of section thirty-six hundred and seventeen shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld, to which he might otherwise be entitled.

Act July 18, 1866, ch. 201, sec. 40, 14 Stat. 187.

R. S. sec. 3617, mentioned in this section, is set forth, *ante*, sec. 1228.

Sec. 1233. (R. S. sec. 3620, as amended by Act February 27, 1877, ch. 69, sec. 1.)
Duty of disbursing officers.

It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement, to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law and draw for the same only in favor of the persons to whom payment is made; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States. In places, however, where there is no treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors.

Act June 14, 1866, ch. 122, sec. 1, 14 Stat. 64. Act February 27, 1877, ch. 69, 19 Stat. 249.

This section, as originally enacted, was amended by Act February 27, 1877, ch. 69, sec. 1, cited above, by inserting after the words "to be made by him in pursuance of law," the words "and draw for the same only in favor of the persons to whom payment is made."

Sec. 1234. (R. S. sec. 3621, as amended by Act May 28, 1896, ch. 252, sec. 5.)
Moneys to be deposited with public depository; receipts.

Every person who shall have moneys of the United States in his hands or possession, and disbursing officers having moneys in their possession not required for current expenditure, shall pay the same to the Treasurer, an Assistant Treasurer, or some public depository of the United States, without delay, and in all cases within thirty days of their receipt. And the Treasurer, the Assistant Treasurer, or the public depository shall issue duplicate receipts for the moneys so paid, transmitting forthwith the original to the Secretary of the Treasury, and delivering the duplicate to the depositor: *Provided*, That postal revenues and debts due to the Post-Office Department shall be paid into the Treasury in the manner now required by law.

Act March 3, 1857, ch. 114, sec. 3, 11 Stat. 249. Act May 28, 1896, ch. 252, sec. 5, 29 Stat. 179.

This section as originally enacted in the Revised Statutes, read as follows:

"Every person who shall have moneys of the United States in his hands or possession shall pay the same to the Treasurer, an assistant treasurer, or some public depository of the United States, and take his receipt for the same, in duplicate, and forward one of them forthwith to the Secretary of the Treasury."

Sec. 1235. (R. S. sec. 3622, as amended by Act February 27, 1877, ch. 69, sec. 1, and Act July 31, 1894, ch. 174, sec. 12.) Accounts for public money.

Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the Bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the proper accounting officer of the Treasury for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the proper accounting officer of the Treasury. In case of the non-receipt at the Treasury or proper Bureau, of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. Nothing herein contained shall, however, be construed to restrain the heads of any of the Departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of Departments, as the public interests may require.

Act July 17, 1862, ch. 199, sec. 1, 12 Stat. 593. Res. March 2, 1867, No. 48, 14 Stat. 571. Act July 15, 1870, ch. 295, sec. 15, 16 Stat. 334. Act February 27, 1877, ch. 69, sec. 1, 19 Stat. 249. Act July 31, 1894, ch. 174, sec. 12, 28 Stat. 209.

This section as originally enacted was amended by Act February 27, 1877, ch. 69, sec. 1, cited above, by striking out, after the words "subject to the control of such heads of," the word "Department," and inserting in lieu thereof the word "Departments."

The section was further amended by Act July 31, 1894, ch. 174, sec. 12, cited above, by striking out, after the words "evidence of having complied with the provisions of this section," the words "The Secretary of the Treasury may, if in his opinion the circumstances of the case justify and require it, extend the time hereinbefore prescribed for the rendition of accounts." Preceding provisions of said Act July 31, 1894, ch. 174, sec. 12, are set forth, *ante*, sec. 1205.

All disbursing officers were required to render their accounts quarterly by Act August 30, 1890, ch. 837, sec. 4, *post*, sec. 1236.

Sec. 1236. (Act August 30, 1890, ch. 837, sec. 4.) Time of rendering accounts of disbursing officers.

That hereafter all disbursing officers of the United States shall render their accounts quarterly; and the Secretary of the Senate shall render his accounts as heretofore; but the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when in his judgment the public interests may require. (26 Stat. 413.)

This was a section of the sundry civil appropriation act for the fiscal year 1891, cited above.

Sec. 1237. (R. S. sec. 3623.) Officers, agents, etc., to render distinct accounts of application of public moneys.

All officers, agents, or other persons, receiving public moneys, shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them.

Act March 3, 1809, ch. 28, sec. 1, 2 Stat. 535.

Heads of departments were required to make annual reports to Congress of the expenditure of contingent funds, by R. S. sec. 193, *ante*, sec. 1132.

Sec. 1238. (R. S. sec. 3624.) Suits to recover money from officers regulated.

Whenever any person accountable for public money, neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account, the First Comptroller of the Treasury shall institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per centum per annum, from the time of receiving the money until it shall be repaid into the Treasury.

Act March 3, 1797, ch. 20, sec. 1, 1 Stat. 512.

The designation of the First Comptroller of the Treasury was changed to Comptroller of the Treasury by Act July 31, 1894, ch. 174, sec. 4, 28 Stat. 205, and the office of the Comptroller of the Treasury and the offices of the six auditors of the Treasury Department were abolished, and the General Accounting Office was created an independent establishment of the Government and under the control and direction of the Comptroller General, and all powers and duties conferred or imposed upon the Comptroller of the Treasury and upon the six auditors were transferred to the General Accounting Office by Act June 10, 1921, ch. 18, secs. 301, 304, *ante*, secs. 1197, 1199.

Sec. 1239. (R. S. sec. 3625, as amended by Act February 27, 1877, ch. 69, sec. 1, and Act July 31, 1894, ch. 174, sec. 4.) Distress warrant against delinquent officers.

Whenever any collector of the revenue, receiver of public money, or other officer who has received the public money before it is paid into the Treasury of the United States, fails to render his account, or pay over the same in the manner or within the time required by law, it shall be the duty of the proper Auditor to cause to be stated the account of such officer, exhibiting truly the amount due to the United States, and to certify the same to the Solicitor of the Treasury, who shall issue a warrant of distress against the delinquent officer and his sureties, directed to the marshal of the district in which such officer and his sureties reside. Where the officer and his sureties reside in different districts, or where they, or either of them, reside in a district other than that in which the estate of either may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively.

Act May 18, 1820, ch. 107, sec. 2, 3 Stat. 592. Act May 29, 1830, ch. 153, sec. 1, 4 Stat. 414. Act February 27, 1877, ch. 69, 19 Stat. 249. Act July 31, 1894, ch. 174, sec. 4, 28 Stat. 206.

This section, as originally enacted, was amended by Act February 27, 1877, ch. 69, sec. 1, cited above, by inserting after the words "It shall be the duty of the First Comptroller of the Treasury" the words "or the Commissioner of Customs, as the case may be." It was again amended

by Act July 31, 1894, ch. 174, sec. 4, also cited above, by striking out the words "First Comptroller of the Treasury, or the Commissioner of Customs, as the case may be," and substituting in lieu thereof the words "proper Auditor."

See note to preceding section relating to the abolition of the offices of the six auditors of the Treasury Department and the transfer of their duties and powers to the General Accounting Office.

Sec. 1240. (R. S. sec. 3626.) Contents of distress warrant against delinquent officer.

The warrant of distress shall specify the amount with which such delinquent is chargeable, and the sums, if any, which have been paid.

Act May 15, 1820, ch. 107, sec. 2, 3 Stat. 592. Act May 29, 1830, ch. 153, sec. 1, 4 Stat. 414.

Sec. 1241. (R. S. sec. 3627.) Execution against delinquent officer.

The marshal authorized to execute any warrant of distress shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and county where the goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside. If the goods and chattels be not sufficient to satisfy the warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law.

Act May 15, 1820, ch. 107, sec. 2, 3 Stat. 593.

Sec. 1242. (R. S. sec. 3628.) Execution against surety of delinquent officer.

If the delinquent officer absconds, or if goods and chattels belonging to him cannot be found sufficient to satisfy the warrant, the marshal or his deputy shall proceed, notwithstanding the commitment of the delinquent officer, to levy and collect the sum which remains due by such delinquent, by the distress and sale of the goods and chattels of his sureties; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the goods or chattels were taken, or in the town or county where the owner resides.

Act May 15, 1820, ch. 107, sec. 2, 3 Stat. 593.

Sec. 1243. (Act August 8, 1888, ch. 787, sec. 1.) Notice to sureties of delinquencies of principal.

That hereafter, when any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the accounting officers making such discovery to at once notify the head of the Department having control over the affairs of said officer of the nature and amount of said deficiency, and it shall be the immediate duty of said head of Department to at once notify all obligors upon the bond or bonds of such official of the nature of such deficiency and the amount thereof. Said notification shall be deemed sufficient if mailed at the post-office in the city of Washington, District of Columbia, addressed to said sureties respectively, and directed to the

respective post-offices where said obligors may reside, if known; but a failure to give or mail such notice shall not discharge the surety or sureties upon such bond. (25 Stat. 387.)

This section and the section next following were an act entitled "An act requiring notice of deficiency in accounts of principals to be given to securities upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds," cited above.

Sec. 1244. (Act August 8, 1888, ch. 787, sec. 2.) Limitation of action against sureties.

That if, upon the statement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, by the accounting officers of the Treasury, it shall thereby appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such statement of said account, the sureties on his bond shall not be liable for such indebtedness. (25 Stat. 387.)

See note to preceding section.

Sec. 1245. (R. S. sec. 3629.) Levy against delinquent officer to be a lien.

The amount due by any delinquent officer is declared to be a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same is discharged according to law.

Act May 15, 1820, ch. 107, sec. 2, 3 Stat. 593.

Sec. 1246. (R. S. sec. 3630.) Sale of lands of delinquent officer regulated.

For want of goods and chattels of a delinquent officer, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the foregoing provisions, the lands, tenements, and hereditaments of such officer and his sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, before the time of sale, shall be sold by the marshal of such district or his deputy.

Act May 15, 1820, ch. 107, sec. 2, 3 Stat. 593.

Sec. 1247. (R. S. sec. 3631.) Conveyance of lands of delinquent officer to give valid title.

For all lands, tenements, or hereditaments sold in pursuance of the preceding section, the conveyance of the marshal or his deputy, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer or his sureties.

Act May 15, 1820, ch. 107, sec. 2, 3 Stat. 593.

Sec. 1248. (R. S. sec. 3632.) Disposal of surplus after satisfying warrant of distress against delinquent officer.

All moneys which may remain of the proceeds of sales, after satisfying the warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be.

Act May 15, 1820, ch. 107, sec. 2, 3 Stat. 593.

Sec. 1249. (R. S. sec. 3633, as amended by Act July 31, 1894, ch. 174, sec. 4.)
Failure of disbursing officer to account; proceedings.

Whenever any officer employed in the civil, military, or naval service of the Government, to disburse the public money appropriated for those branches of the public service, respectively, fails to render his accounts, or to pay over, in the manner and in the times required by law, or by the regulations of the Department to which he is accountable, any sum of money remaining in his hands, it shall be the duty of the proper auditor, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified the account of such delinquent officer to the Solicitor of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the six preceding sections.

Act May 15, 1820, ch. 107, sec. 3, 3 Stat. 594. Act May 29, 1830, ch. 153, sec. 1, 4 Stat. 414. Act July 31, 1894, ch. 174, sec. 4, 28 Stat. 206.

This section was amended by the legislative, executive, and judicial appropriation act for the fiscal year 1895, Act July 31, 1894, ch. 174, sec. 4, cited above, by striking out the words "First or Second Comptroller of the Treasury" and substituting in lieu thereof the words "proper Auditor." Other provisions of sections 3 and 4 of said Act provided for the designation of the six auditors of the Treasury Department, changed the designation of the First Comptroller of the Treasury to Comptroller of the Treasury, abolished the office of the Second Comptroller of the Treasury, and provided for the appointment of an Assistant Comptroller of the Treasury. By provisions of Act June 10, 1921, ch. 18, the offices of the six auditors of the Treasury Department, and of the Comptroller and the Assistant Comptroller of the Treasury, were abolished, and all the powers and duties of said officers were transferred to the General Accounting Office, which was created an independent establishment of the Government and under the control and direction of the Comptroller General. See secs. 1197-1200, *ante*.

Sec. 1250. (R. S. sec. 3634.) Extent of application of provisions for distress warrants.

All the provisions relating to the issuing of a warrant of distress against a delinquent officer shall extend to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner and to the same extent as if they were herein described and enumerated.

Act May 15, 1820, ch. 107, sec. 3, 3 Stat. 594.

Sec. 1251. (R. S. sec. 3635.) Postponement of proceedings against delinquent officer.

With the approval of the Secretary of the Treasury, the institution of proceedings by warrant of distress may be postponed, for a reasonable time, in cases where, in his opinion, the public interest will sustain no injury by such postponement.

Act May 15, 1820, ch. 107, sec. 3, 3 Stat. 594.

Sec. 1252. (R. S. sec. 3636.) Injunction to stay distress warrant against delinquent officer.

Any person who considers himself aggrieved by any warrant of distress issued under the foregoing provisions may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge may grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the

case requires. But no injunction shall issue till the party applying for it gives bond, with sufficient security, in a sum to be prescribed by the judge, for the performance of such judgment as may be awarded against him; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of the warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it appears to the satisfaction of the judge that the application for the injunction was merely for delay, the judge may add to the lawful interest assessed on all sums found due against the complainant such damages as, with such lawful interest, shall not exceed the rate of ten per centum a year. Such injunction may be granted or dissolved by the district judge either in or out of court.

Act May 15, 1820, ch. 107, secs. 4, 5, 3 Stat. 595.

Sec. 1253. (R. S. sec. 3637.) Proceedings on distress warrant.

When the district judge refuses to grant an injunction to stay proceedings on a distress-warrant, as aforesaid, or dissolves such injunction after it is granted, any person who considers himself aggrieved by the decision in the premises may lay before the circuit justice, or circuit judge of the circuit within which such district lies, a copy of the proceeding had before the district judge; and thereupon the circuit justice or circuit judge may grant an injunction, or permit an appeal, as the case may be, if, in his opinion, the equity of the case requires it. The same proceedings, subject to the same conditions, shall be had upon such injunction in the circuit court as are prescribed in the district court.

Act May 15, 1820, ch. 107, secs. 4, 6, 3 Stat. 595. Act April 10, 1869, ch. 22, sec. 2, 16 Stat. 44.

Sec. 1254. (R. S. sec. 3638.) Rights of United States reserved.

Nothing contained in the provisions of this Title relating to distress-warrants shall be construed to take away or impair any right or remedy which the United States might have, by law, for the recovery of taxes, debts, or demands.

Act May 15, 1820, ch. 107, sec. 9, 3 Stat. 596.

Sec. 1255. (R. S. sec. 3639.) Duties of officers as custodians of public moneys.

The Treasurer of the United States, all assistant treasurers, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land-offices, all post-masters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper Department or officer of the Government, to be transferred or paid out: and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. The President is authorized,

if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all district attorneys, collectors of customs, naval officers, and surveyors of customs, navy agents, receivers and registers of public lands, paymasters in the Army, commissary-general, and by all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments.

Act August 6, 1846, ch. 90, sec. 6, 9 Stat. 60. Act July 3, 1852, ch. 54, sec. 7, 10 Stat. 12. Act March 3, 1857, ch. 114, sec. 2, 11 Stat. 249. Act April 21, 1862, ch. 59, sec. 5, 12 Stat. 382. Act March 3, 1863, ch. 96, sec. 5, 12 Stat. 770. Act July 4, 1864, ch. 242, sec. 5, 13 Stat. 383. Act February 19, 1869, ch. 33, sec. 4, 15 Stat. 271.

Sec. 1256. (R. S. sec. 3643.) Entry of each deposit, transfer, and payment of public moneys.

All persons charged by law with the safe-keeping, transfer, and disbursement of the public moneys, other than those connected with the Post-Office Department, are required to keep an accurate entry of each sum received and of each payment or transfer.

Act August 6, 1846, ch. 90, sec. 10, 9 Stat. 63.

Sec. 1257. (R. S. sec. 3646, as amended by Act February 16, 1885, ch. 123; Act March 23, 1906, ch. 1129; and Act June 19, 1906, ch. 3434; Act May 27, 1908, ch. 206; Act February 23, 1909, ch. 174; and Act March 21, 1916, ch. 52.) Duplicates for lost, stolen, or destroyed disbursing officers' checks.

That whenever any original check is lost, stolen, or destroyed disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check, under such regulations in regard to its issue and payment, and upon the execution of such bond, with securities, to indemnify the United States, and proof of loss of original check, as the Secretary of the Treasury shall prescribe. * * *

Act February 2, 1872, ch. 12, sec. 1, 17 Stat. 29. Act February 16, 1885, ch. 123, 23 Stat. 306. Act March 23, 1906, ch. 1129, 34 Stat. 84. Act June 19, 1906, ch. 3434, 34 Stat. 301. Act May 27, 1908, ch. 206, 35 Stat. 415. Act February 23, 1909, ch. 174, 35 Stat. 644. Act March 21, 1916, ch. 52, 39 Stat. 37.

This section as originally enacted in the Revised Statutes read as follows:

"Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months, and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of one thousand dollars."

It was amended so as not to apply to any check exceeding \$2,500 instead of \$1,000, by Act February 16, 1885, ch. 123, cited above. It was further amended by Act March 23, 1906, ch. 1129, also cited above, to read as follows:

"Whenever any original check or warrant is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such check or warrant, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original check or warrant does not exceed in amount the sum of fifty dollars the Secretary of the Treasury

may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such check or warrant."

In the section as again amended by Act June 19, 1906, ch. 3434, also cited above, the words "disbursing officers' check" were substituted for the words "check or warrant," where they appear in the section as previously amended. The further amendment of the section by Act May 27, 1908, ch. 206, also cited above, was superseded by that of Act February 23, 1909, ch. 174, also cited above, reenacting the section and adding to its provisions, as amended by said Act June 19, 1906, ch. 3434, two provisos for the issuance of duplicates of original checks or warrants of the Post Office Department. The section was last amended by Act March 21, 1916, ch. 206, also cited above. A portion of the section, so amended, reads as above set forth. Two annexed provisos relating to the issuance of duplicates of original checks or warrants of the Post Office Department are omitted here, as indicated.

Sec. 1258. (R. S. sec. 3647, as amended by Act May 27, 1908, ch. 206, and Act February 23, 1909, ch. 174.) Duplicate for lost, destroyed, or stolen check when officer who issued same is dead or no longer in service.

In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent: * * *.

Act February 2, 1872, ch. 12, sec. 2, 17 Stat. 29. Act May 27, 1908, ch. 209, 35 Stat. 415. Act February 23, 1909, ch. 174, 35 Stat. 644.

An amendment of this section by Act May 27, 1908, ch. 206, cited above, was superseded by that of act February 23, 1909, ch. 174, also cited above, which reenacted the section as originally enacted in the Revised Statutes and added a proviso, omitted here, for the issuance of duplicate checks in the Post Office Department.

Sec. 1259. (R. S. sec. 300.) Allowances of lost checks.

Whenever the disbursing officer or agent by whom was issued any check which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the proper accounting officer shall, under such regulations as the Secretary of the Treasury may prescribe, state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent.

Act February 2, 1872, ch. 12, secs. 1, 2, 17 Stat. 29.

Sec. 1260. (R. S. sec. 3648.) Advances of public money prohibited.

No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. * * *

Act of January 31, 1823, ch. 9, sec. 1, 3 Stat. 723.

The final portion of this section, omitted here, related to advances to persons in the military and naval service.

Advances from appropriations for the Department of Agriculture to such chiefs of field parties, agricultural explorers, special agents, and others as shall have given bonds, were authorized by Act June 3, 1902, ch. 985, *ante*, sec. 134.

Advances of money under appropriations for the Forest Service may be made to chiefs of field parties for fighting forest fires in emergency cases, by Act May 23, 1098, ch. 192, *ante*, sec. 135.

This section is not to apply to subscriptions for publications for the Department of Agriculture, and payment in advance for any publications for the use of that department was authorized by Act March 4, 1909, ch. 301, *ante*, sec. 133.

Payment in advance for subscriptions to periodicals for all the executive departments was authorized by Act March 4, 1915, ch. 141, sec. 5, *post*, sec. 1261.

Sec. 1261. (Act March 4, 1915, ch. 141, sec. 5.) Advances for subscriptions to periodicals for departments, etc.

That hereafter subscriptions to periodicals, which have been certified in writing by the respective heads of the executive departments or other Government establishments to be required for official use, may be paid in advance from appropriations available therefor. (38 Stat. 1049.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1916, cited above.

Sec. 1262. (R. S. sec. 3651.) Exchange of funds by disbursing officers restricted.

No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper Department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as the President may deem just and proper.

Act August 6, 1846, ch. 90, sec. 20, 9 Stat. 64. Act February 22, 1862, ch. 33, sec. 1, 12 Stat. 345. Act July 11, 1862, ch. 142, sec. 1, 12 Stat. 532. (Act March 3, 1863, ch. 73, sec. 3, 12 Stat. 710. Act June 3, 1864, ch. 106, sec. 23, 13 Stat. 106.

Sec. 1263. (R. S. sec. 3652.) Premiums on sales of public moneys to be accounted for.

No officer of the United States shall, either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, war-

rant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office.

Act August 6, 1846, ch. 90, sec. 21, 9 Stat. 65.

Sec. 1264. (R. S. sec. 3653.) Expenses of fiscal agents.

The officers, respectively, whose duty it is made by this Title to receive, keep, or disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for clerks, fire-proof chests or vaults, or other necessary expenses for safe-keeping, transferring, or disbursing the moneys; but all such expenses of every character shall be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, shall be strictly followed by all the officers.

Act August 6, 1846, ch. 90, sec. 13, 9 Stat. 62. Act. March 3, 1875, ch. 129, 18 Stat. 355.

Sec. 1265. (Act August 7, 1882, ch. 433, sec. 1.) Expenditures for clerical services, etc., from appropriations for expenses of fiscal agents forbidden.

For contingent expenses under the requirements of section thirty-six hundred and fifty-three of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, * * *. And hereafter no part of the money appropriated for the purposes mentioned in this paragraph shall be expended for clerical services or payment of employees of any nature or grade. (22 Stat. 312.)

These were provisions of the sundry civil appropriation act for the fiscal year 1883, cited above.

Revised Statutes, section 3653, mentioned in this paragraph, is set forth, *ante*, sec. 1264.

Sec. 1266. (R. S. sec. 3654.) Limit on extra compensation for disbursements for construction of public buildings.

No extra compensation exceeding one-eighth of one per centum shall in any case be allowed or paid to any officer, person, or corporation for disbursing moneys appropriated to the construction of any public building.

Act March 3, 1869, ch. 123, 15 Stat. 312. Act March 3, 1875, ch. 131, 18 Stat. 415.

This section was to be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses money for, and expended in, the construction of any public building to three-eighths of one per centum for said services, by Act March 3, 1875, ch. 131, sec. 4, *post*, sec. 1267. But disbursing agents appointed to disburse any appropriation for building or grounds outside the city of Washington were to be entitled to the compensation allowed by law to collectors of customs for such amounts as may have been or may be disbursed, by Act August 7, 1882, ch. 433, sec. 1, *post*, sec. 1268.

Sec. 1267. (Act March 3, 1875, ch. 131, sec. 4.) Extra compensation for disbursements of moneys appropriated for public buildings.

That the provisions contained in the act approved March third, eighteen hundred and sixty-nine, entitled "an act making appro-

priations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June thirtieth, eighteen hundred and sixty-nine, and for other purposes," limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in the construction of any public building as aforesaid to three-eighths of one per centum for said services. (18 Stat. 415.)

This was a provision of the deficiency appropriation act for the fiscal year 1875, cited above.

The provisions of Act March 3, 1869, ch. 123, 15 Stat. 312, mentioned in this provision, were incorporated in R. S. sec. 3654, *ante*, sec. 1266. That section and this provision are partly superseded by a provision of Act August 7, 1882, ch. 433, sec. 1, *post*, sec. 1268.

Sec. 1267a. (Act March 2, 1889, ch. 411, sec. 1.) Commissions for disbursements on account of sites for or construction of public buildings prohibited.

That hereafter commissions shall not be paid for disbursements on account of sites for public buildings; nor on account of construction of public buildings except for moneys actually handled and paid out by disbursing agents; and payments for sites for public buildings under the control of the Treasury Department shall be made by the Treasury Department, at Washington, District of Columbia, by drafts or checks payable to the grantors of such sites or their legal representatives. (25 Stat. 941.)

This was a provision of the sundry civil appropriation act for the fiscal year 1890, cited above.

Sec. 1268. (Act August 7, 1882, ch. 433, sec. 1.) Extra compensation for disbursements of moneys appropriated for public buildings or grounds not within the city of Washington.

Any disbursing agent who has been or may be appointed to disburse any appropriation for any United States court-house and post-office, or other building or grounds, not located within the city of Washington, shall be entitled to the compensation allowed by law to collectors of customs for such amounts as have been or may be disbursed. (22 Stat. 306.)

This was a provision of the sundry civil appropriation act for the fiscal year 1883, cited above.

See note to R. S. sec. 3654, *ante*, sec. 1266.

The collectors of customs in the several collection districts were required to act as disbursing agents for the payment of all moneys appropriated for the construction of customhouses, courthouses, postoffices, and marine hospitals, "with such compensation, not exceeding one-quarter of one per centum, as the Secretary of the Treasury may deem equitable and just," by R. S. Sec. 3657. But no compensation or commission shall be allowed for the disbursement of any appropriation for the construction, extension, enlargement, remodeling, or repair of any public buildings, under the control of the Treasury Department, by a provision of Act March 4, 1911, ch. 285, sec. 1, 36 Stat. 1387.

Sec. 1269. (Act March 4, 1909, ch. 321, sec. 28.) Forging bonds, bids, public records, etc.; transmitting forged, etc., papers; punishment.

Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or

counterfeiting, any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both. (35 Stat. 1094.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. secs. 5418-5479, which sections were expressly repealed by section 341 of said Code.

Sec. 1270. (Act March 4, 1909, ch. 321, sec. 29.) Forging deeds, powers of attorney, etc.; transmitting forged, etc., papers; punishment.

Whosoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than one thousand dollars and imprisoned not more than ten years. (35 Stat. 1094.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5421, which section was expressly repealed by section 341 of said Code.

Sec. 1271. (Act March 4, 1909, ch. 321, sec. 30.) Having false, etc., papers in possession with intent to defraud United States; punishment.

Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of enabling another to obtain from

the United States, or from any officer or agent thereof, any sum of money, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both. (35 Stat. 1094.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5422, which section was expressly repealed by section 341 of said Code.

Sec. 1272. (Act March 4, 1909, ch. 321, sec. 33.) False personation of person entitled to money, etc., from the United States; punishment.

Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock or any part thereof, or shall receive or endeavor to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than five thousand dollars and imprisoned not more than ten years. (35 Stat. 1095.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5435, which section was expressly repealed by section 341 of said Code.

Sec. 1273. (Act March 4, 1909, ch. 321, sec. 34.) False demand on fraudulent power of attorney; punishment.

Whoever shall knowingly or fraudulently demand or endeavor to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeit power of attorney, authority, or instrument, shall be fined not more five thousand dollars and imprisoned not more than ten years. (35 Stat. 1095.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5436, which section was expressly repealed by section 341 of said Code.

Sec. 1274. (Act March 4, 1909, ch. 321, sec. 35, as amended by Act October 23, 1918, ch. 194.) Presenting false claims, etc.; taking Government property; fraudulent conspiracy; punishment.

Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, or for the purpose and with the intent of cheating and swindling or defrauding the Government of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall knowingly and willfully falsify or conceal or cover up by any trick,

scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall take and carry away or take for his own use, or for the use of another, with intent to steal or purloin, any personal property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. (35 Stat. 1905, 40 Stat. 1015.)

This was a section of the Criminal Code, cited above, as amended by Act October 23, 1918, ch. 194, also cited above. The section as originally enacted in the Criminal Code incorporated provisions of R. S. sec. 5438, as amended by Act May 30, 1908, ch. 235. Said R. S. sec. 5438, and said amending act were expressly repealed by section 341 of said Code.

The final portion of this section, omitted here, denounced, and provided punishment for, purchasing, etc., property for the use of the military or naval service.

Sec. 1275. (Act March 4, 1909, ch. 321, sec. 37.) Conspiring to commit offense against the United States; punishment.

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both. (35 Stat. 1096.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5440, as amended by Act May 17, 1879, ch. 8, 21 Stat. 4. Said R. S. sec. 5440 and said amending act were expressly repealed by section 341 of said Code.

Sec. 1276. (Act March 4, 1909, ch. 321, sec. 40.) Unlawfully taking or using papers relating to claims, etc.; punishment.

Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by

authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. (35 Stat. 1096.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5454, which section was expressly repealed by section 341 of said Code.

Sec. 1277. (Act March 4, 1909, ch. 321, sec. 47.) Embezzling, etc., public moneys, etc.; punishment.

Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. (35 Stat. 1107.)

This was a section of the Criminal Code, cited above, incorporating therein provisions of Act March 3, 1874, ch. 144, sec. 1, 18 Stat. 479, which act was expressly repealed by section 341 of said Code.

Whoever shall rob another of any kind or description of personal property of the United States, or shall take and carry away the same, was made subject to fine or imprisonment, or both, by section 46 of this act, *post*, sec. 1307.

Sec. 1278. (Act March 4, 1909, ch. 321, sec. 48.) Receiving, etc., stolen public money or property; punishment.

Whoever shall receive, conceal, or aid in concealing, or have, or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender. (35 Stat. 1098.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5483, which section was expressly repealed by section 341 of said Code.

Sec. 1279. (Act March 4, 1909, ch. 321, sec. 86.) Receipting for larger sums than are paid; punishment.

Whoever being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be

fined in double the amount so withheld from any employee of the Government and imprisoned not more than two years. (35 Stat. 1105.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5483, which section was expressly repealed by section 341 of said Code.

Sec. 1280. (Act March 4, 1911, ch. 270.) False entries in accounts or records, or false reports of public or trust moneys or securities; punishment.

That whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of keeping accounts or records of any kind, shall, with intent to deceive, mislead, injure, or defraud the United States or any person, make in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing; or whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, shall, with like intent, make a false report of such moneys or securities, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. (36 Stat. 1355.)

This was an act entitled "An act to provide punishment for the falsification of accounts and the making of false reports by persons in the employ of the United States," cited above.

Sec. 1281. (Act March 4, 1909, ch. 321, sec. 87.) Disbursing officers unlawfully using, etc., public money; punishment.

Whoever, being a disbursing officer of the United States, or a person acting as such, shall in any manner convert to his own use, or loan with or without interest, or deposit in any place or in any manner, except as authorized by law, any public money intrusted to him; or shall, for any purpose not prescribed by law, withdraw from the Treasurer or any assistant treasurer, or any authorized depository, or transfer, or apply, any portion of the public money intrusted to him, shall be deemed guilty of an embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. (35 Stat. 1105.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5488, which section was expressly repealed by section 341 of said Code.

Sec. 1282. (Act March 4, 1909, ch. 321, sec. 89.) Custodian failing to keep, etc., public money; punishment.

Every officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, who shall loan, use, or convert to his own use, or shall deposit in any bank or exchange for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or

exchanged, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years. (35 Stat. 1105.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5490, which section was expressly repealed by section 341 of said Code.

Sec. 1283. (Act March 4, 1909, ch. 321, sec. 90.) Failure of officers to render accounts for public moneys; punishment.

Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years. (35 Stat. 1105.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5491, which section was expressly repealed by section 341 of said Code.

Every officer or agent who neglects or refuses to make any return or report as required at stated times, other than his accounts, within the time prescribed, was made subject to fine, by section 101 of this act, *post*, sec. 1291.

Sec. 1284. (Act March 4, 1909, ch. 321, sec. 91.) Failure to deposit public money as required; punishment.

Whoever, having money of the United States in his possession or under his control, shall fail to deposit it with the Treasurer, or some assistant treasurer, or some public depository of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be fined in a sum equal to the amount of money embezzled and imprisoned not more than ten years. (35 Stat. 1105.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5492, which section was expressly repealed by section 341 of said Code.

Sec. 1285. (Act March 4, 1909, ch. 321, sec. 92.) Persons affected by five preceding sections.

The provisions of the five preceding sections shall be construed to apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same. (35 Stat. 1105.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5493, which section was expressly repealed by section 341 of said Code.

Sec. 1286. (Act March 4, 1909, ch. 321, sec. 93.) Record evidence of embezzlement.

Upon the trial of any indictment against any person for embezzling public money under any provision of the six preceding sections, it shall be sufficient evidence, *prima facie*, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public money. (35 Stat. 1105.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5495, which section was expressly repealed by section 341 of said Code.

Sec. 1287. (Act March 4, 1909, ch. 321, sec. 94.) Prima facie evidence of embezzlement.

The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, prima facie evidence of such embezzlement. (35 Stat. 1106.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5495, which section was expressly repealed by section 341 of said Code.

Sec. 1288. (Act March 4, 1909, ch. 321, sec. 95.) Evidence of conversion.

If any officer charged with the disbursement of the public moneys accepts, receives, or transmits to the Treasury Department to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion by such officer to his own use of the amount specified in such receipt or voucher. (35 Stat. 1106.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5496, which section was expressly repealed by section 341 of said Code.

Sec. 1289. (Act March 4, 1909, ch. 321, sec. 96.) Banker, etc., receiving unauthorized deposit of public money; punishment.

Every banker, broker, or other person not an authorized depository of public moneys, who shall knowingly receive from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or shall use, transfer, convert, appropriate, or apply any portion of the public money for any purpose not prescribed by law: and every president, cashier, teller, director, or other officer of any bank or banking association who shall violate any provision of this section is guilty of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. (35 Stat. 1106.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5497, which section was expressly repealed by section 341 of said Code.

Sec. 1290. (Act March 4, 1909, ch. 321, sec. 97.) Embezzlement by officer, etc.; punishment.

Any officer connected with, or employed in, the Internal-Revenue Service of the United States, and any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or property of the United States, and any officer of the United States, or any assistant of such officer, who shall embezzle or wrongfully

convert to his own use any money or property which may have come into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or assistant, whether the same shall be the money or property of the United States or of some other person or party, shall, where the offense is not otherwise punishable by some statute of the United States, be fined not more than the value of the money and property thus embezzled or converted, or imprisoned not more than ten years, or both. (35 Stat. 1106.)

This was a section of the Criminal Code, cited above, incorporating therein provisions of R. S. sec. 5497, as amended by Act February 3, 1879, ch. 42, 20 Stat. 280. Said R. S. sec. 5497, and said amending act were expressly repealed by section 341 of said Code.

Sec. 1291. (Act March 4, 1909, ch. 321, sec. 101.) Failure to make returns or reports; punishment.

Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined not more than one thousand dollars. (35 Stat. 1107.)

This was a section of the Criminal Code, cited above, incorporating therein R. S. sec. 1780, which said section is expressly repealed by section 341 of said Code.

Every officer or agent who fails to render his accounts as provided by law, for public money received, was made punishable by fine and imprisonment for embezzlement, by section 90 of this act, *ante*, sec. 1283.

Sec. 1292. (Act March 4, 1909, ch. 321, sec. 103.) Trading in public funds or property; punishment.

Whoever, being an officer of the United States concerned in the collection or the disbursement of the revenues thereof, shall carry on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be fined not more than three thousand dollars, or imprisoned not more than one year, or both, and be removed from office, and thereafter be incapable of holding any office under the United States. (35 Stat. 1107.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. secs. 1788, 1789, which sections were expressly repealed by section 341 of said Code.

Sec. 1293. (Act March 3, 1911, ch. 209.) Sale of subsistence supplies by War Department to other executive departments or employees thereof; payment in cash; prices.

That hereafter when under the Army Regulations subsistence supplies are furnished to another bureau of the War Department, or to another executive department of the Government or employees thereof, payment therefor shall be made in cash by the proper disbursing officer of the bureau, office, or department concerned, or by the employee to whom the sale is made. When the transaction is between two bureaus of the War Department the price to be charged shall be the contract or invoice price of the supplies. When the transaction is between the Subsistence Department and another executive department of the Government or employees thereof, the price to be charged shall include the contract or invoice price and ten per centum additional to cover wastage in transit, and the cost of transportation. (36 Stat. 1047.)

This was a provision of the Army appropriation act for the fiscal year 1912, cited above.

Sec. 1294. (Act August 24, 1912, ch. 391.) Transfer or sales of ordnance or or ordnance stores by the War Department to other executive departments; payment; price.

That hereafter when authorized transfers or sales of ordnance or ordnance stores are made to another bureau of the War Department, or to another executive department of the Government, payment therefor shall be made by the proper disbursing officer of the bureau, office, or department concerned. When the transaction is between two bureaus of the War Department, the price to be charged shall be the cost price of the stores, including the cost of inspection. When the transaction is between the Ordnance Department and another executive department of the Government, the price to be charged shall include the cost price of the stores and the costs of inspection and transportation. (37 Stat. 589.)

This was a provision of the Army appropriation act for the fiscal year 1913, cited above.

Sec. 1295. (Act April 27, 1914, ch. 72.) Settlement of transactions between the Engineer Department of the War Department and other executive departments.

Hereafter in the settlement of transactions between appropriations under the Engineer Department, or between the Engineer Department and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Corps of Engineers or of the office, bureau, or department concerned. (38 Stat. 369.)

This was a paragraph of the Army appropriation act for the fiscal year 1915, cited above.

Sec. 1296. (Act March 4, 1915, ch. 143, sec. 1.) Settlement of transactions between the Medical Department of the War Department and other executive departments.

That hereafter in the settlement of accounts between the appropriations of the Medical Department and those of any other branch of the Army service, or any bureau or office of the War Department, or any other executive department or establishment of the Government, payment thereof may be made by the proper disbursing officer of the Medical Department or of the branch of the Army service, office bureau, department, or establishment concerned. (38 Stat. 1080.)

This was a provision of the Army appropriation act for the fiscal year 1916, cited above.

Sec. 1297. (Act August 11, 1916, ch. 314.) Settlement of transactions between the United States Military Academy and executive departments.

That hereafter in settling transactions between appropriations for the support of the United States Military Academy and other bureaus of the War Department, or between the United States Military Academy and any other executive department of the Government, payment therefor shall be made by the disbursing officer of the United States Military Academy or of the office, bureau, or department concerned. (39 Stat. 504.)

This was a provision of the Military Academy appropriation act for the fiscal year 1917, cited above.

Sec. 1298. (Act August 29, 1916, ch. 418, sec. 1.) Settlement of transactions between the Signal Corps of the War Department and other executive departments.

That hereafter in the settlement of transactions between appropriations under the Signal Corps, or between the Signal Corps and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Signal Corps, or of the office, bureau, or department concerned. (39 Stat. 622.)

This was a provision of the Army appropriation act for the fiscal year 1917, cited above.

Sec. 1299. (Act May 21, 1920, ch. 194, sec. 7.) Funds of department for which stores, etc., are procured or services performed by another department, subject to requisitions of latter; period available.

That whenever any Government bureau or department procures, by purchase or manufacture, stores or materials of any kind, or performs any service for another bureau or department, the funds of the bureau or department for which the stores or materials are to be procured or the service performed may be placed subject to the requisitions of the bureau or department making the procurement or performing the service for direct expenditure: *Provided*, That funds so placed with the procuring bureau shall remain available for a period of two years for the purposes for which the allocation was made unless sooner expended. (41 Stat. 613.)

This was a section of "An act making appropriations for fortifications and other works of defense, for the armament thereof, and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes," cited above.

CHAPTER 31.

PROPERTY.

Sec. 1300. (Act March 3, 1879, ch. 183.) Arms and ammunition to be furnished by Secretary of War to Departments to protect public money and property.

That upon the request of the head of any department, the Secretary of War be, and he hereby is, authorized and directed to issue arms and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department designated by the head of such department, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired. Arms and ammunition heretofore furnished to any department by the War Department for which the War Department has not been reimbursed, may be receipted for under the provisions of this act. (20 Stat. 412.)

This was a provision of the deficiency appropriation act for the fiscal year 1879, cited above.

Sec. 1301. (Act July 11, 1919, ch. 8, sec. 2.) Transfer of surplus, etc., War Department ammunition to other departments authorized.

That the Secretary of War be, and he is hereby, authorized to turn over on request from other executive departments of the Government, in his discretion, from time to time, without charge therefor, such ammunition, explosives, and other ammunition components as may prove to be or shall become surplus or unsuitable for the purposes of the War Department and as shall be suitable for use in the proper activities of other executive departments. (41 Stat. 130.)

This was a paragraph of the Army appropriation act for the fiscal year 1920, cited above.

Sec. 1302. (Act July 9, 1918, ch. 143, sec. 1.) Sale of war supplies, etc., through heads of departments; guns and ammunition sales restricted to other departments, etc.; report of sales.

That the President be, and he hereby is, authorized, through the head of any executive department, to sell, upon such terms as the head of such department shall deem expedient, to any person, partnership, association, corporation, or any other department of the Government, or to any foreign State or Government, engaged in war against any Government with which the United States is at war, any war supplies, material and equipment, and any by-products thereof, and any building, plant or factory, acquired since April sixth, nineteen hundred and seventeen, including the lands upon which the plant or factory may be situated, for the production of such war supplies, materials, and equipment which, during the present emergency, may have or may hereafter be purchased, acquired, or manufactured by the United States: *Provided further*, That sales of guns and ammunition made under the authority contained in this

or any other Act shall be limited to sales to other departments of the Government and to foreign States or Governments engaged in war against any Government with which the United States is at war, and to members of the National Rifle Association and of other recognized associations organized in the United States for the encouragement of small-arms target practice: *Provided further*, That a detailed report shall be made to Congress on the first day of each regular session of the sales of any war supplies, matériel, lands, factories, or buildings, and equipment made under the authority contained in this or any other Act, except sales made to any foreign State or Government engaged in war against any Government with which the United States is at war, showing the character of the articles sold, to whom sold, the price received therefor, and the purpose for which sold. (40 Stat. 850.)

These were provisions of the Army appropriation act for the fiscal year 1919, cited above.

A proviso annexed to these provisions, omitted here, that receipts from such sales shall be deposited to the credit of the appropriation out of which was paid the cost to the Government of the property sold, and that the same should immediately become available for the purposes named in the original appropriation, was specifically repealed by Act February 25, 1919, ch. 39, sec. 3, 40 Stat. 1173.

Somewhat similar provisions were made by Act May 10, 1918, ch. 70, 40 Stat. 548.

Sec. 1303. (Act May 29, 1920, ch. 214, sec. 1.) Heads of departments to cooperate with Secretary of Treasury in storage of disused office material, etc.

For salaries of employees, office equipment, fuel, light, electric current, telephone service, maintenance of motor trucks, and other necessary expenses for carrying into effect the Executive order of December 3, 1918, regulating the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities, * * * *Provided further*, That the said Executive order shall continue in effect until June 30, 1921, without modification, except that proceeds from the transfer of appropriations thereunder shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That the heads of the executive departments and independent establishments and the Commissioners of the District of Columbia shall cooperate with the Secretary of the Treasury in connection with the storage and delivery of material, supplies, and equipment transferred under the foregoing order. (41 Stat. 644.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1921, cited above.

Sec. 1304. (Act November 23, 1921, ch. 136, sec. 1007.) Delivery to departments of narcotics seized by United States.

That all opium, its salts, derivatives, and compounds, and coca leaves, salts, derivatives, and compounds thereof, which may now be under seizure or which may hereafter be seized by the United States Government from any person or persons charged with any violation of the Act of October 1, 1890, as amended by the Acts of March 3, 1897, February 9, 1909, and January 17, 1914, or the Act of December 17, 1914, as amended, shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United

States; and the Secretary is hereby authorized to deliver for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulation as may be prescribed by the Commissioner, with the approval of the Secretary, any of the drugs so seized, confiscated, and forfeited to the United States.

The provisions of this section shall also apply to any of the aforesaid drugs seized or coming into the possession of the United States in the enforcement of any of the above-mentioned Acts where the owner or owners thereof are unknown. None of the aforesaid drugs coming into possession of the United States under the operation of said Acts, or the provisions of this section, shall be destroyed without certification by a committee appointed by the Commissioner, with the approval of the Secretary, that they are of no value for medical or scientific purposes. (42 Stat. 301.)

This was a section of the "Revenue Act of 1921," cited above.

Similar provisions were contained in the similar act of February 24, 1919, ch. 18, sec. 1007, 40 Stat. 1132.

Sec. 1305. (Act March 3, 1917, ch. 165, sec. 5.) Executive departments permitted to purchase and import denatured alcohol for scientific, etc., purposes.

That nothing in this Act shall prevent any executive department or other establishment of the United States Government from purchasing or importing into the District of Columbia, free of tax and for its own uses, denatured, methyl, or ethyl alcohol for scientific, medicinal, pharmaceutical, or mechanical purposes. (39 Stat. 1126.)

This was a provision of an act entitled "An act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes," cited above.

Sec. 1306. (Act December 22, 1879, ch. 2.) Impressions of portraits to be furnished departments, etc., by Secretary of the Treasury.

That the Secretary of the Treasury at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, be, and he is hereby authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests. (21 Stat. 59.)

This was an act entitled "An act relating to printing impressions from portraits and vignettes," cited above.

Sec. 1307. (Act March 4, 1909, ch. 321, sec. 46.) Robbery of personal property of the United States; punishment.

Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. (35 Stat. 1097.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5456, which said section is expressly repealed by section 341 of said Code.

Robbing, stealing, or purloining any money, property, etc., of the United States is made punishable by fine or imprisonment by section 47 of this act, *ante*, sec. 1277.

Sec. 1308. (Act March 3, 1875, ch. 133, sec. 1.) Payment for transportation of property over certain land-grant railroads prohibited.

That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroad should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road, for such transportation; nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States. But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same if found entitled thereto by virtue of the laws in force prior to the passage of this act; provided that the claim for such charges shall not have been barred by the statute of limitations at the time of bringing the suit, and either party shall have the right of appeal to the Supreme Court of the United States; *And provided further*, That the foregoing provision shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with. (18 Stat. 453.)

These were provisions of the Army appropriation act for the fiscal year 1876, cited above.

Sec. 1309. (Act July 5, 1884, ch. 217.) Transportation through Quartermaster Corps of property of civil departments.

That hereafter the Quartermaster-General and his officers, under his instructions, wherever stationed, shall receive, transport, and be responsible for all property turned over to them, or any one of them, by the officers or agents of any Government survey, for the National Museum, or for the civil or naval departments of the Government, in Washington or elsewhere, under the regulations governing the transportation of Army supplies, the amount paid for such transportation to be refunded or paid by the Bureau to which such property or stores pertain. (23 Stat. 111.)

This was a provision of the Army appropriation act for the fiscal year 1885, cited above.

CHAPTER 32.

BUILDINGS.

Sec. 1310. (Act June 23, 1874, ch. 476, sec. 2.) Selection of sites for public buildings.

That in the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and the Secretary of the Treasury shall have power, and it shall be his duty, to set aside any selection which in his opinion has not been made solely with reference thereto. No expenditure shall be made upon any building, a site for which has been selected, and work upon which has not been commenced, until such of the persons who acted as commissioners in selecting such site shall make and file with the Secretary of the Treasury an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of such site, directly or indirectly interested in the property selected for the same, and a similar affidavit shall be made and filed by each and every person hereafter appointed as such commissioner, before any site shall be finally adopted. In either case a failure on the part of any commissioner to make and file such an affidavit shall render the selection void. (18 Stat. 276.)

This was a section of an act entitled "An act to authorize the Secretary of the Treasury to suspend work upon the public buildings," cited above.

Sec. 1311. (R. S. sec. 355.) Title to land to be purchased by the United States.

No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney-General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the Departments, upon the application of the Attorney-General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the Departments respectively.

Res. September 11, 1841, No. 6, 5 Stat. 463.

All legal services connected with the procurement of titles to sites for public buildings were to be rendered by United States district attorneys, and it was made the duty of the Attorney-General to require grantors of

sites for public buildings to furnish free of all expense to the Government the requisite abstracts, official certifications, and evidences of title that the Attorney-General might deem necessary, by Act March 2, 1889, ch. 411, sec. 1, *post*, sec. 1312.

Expenditure for any site for a public building in excess of the amount specifically appropriated therefor, or upon any public building until after sketch plans and estimates of cost have been made by the Supervising Architect of the Treasury and approved by him and the head of the department whose officials are to be located in such building, was prohibited by Revised Statutes, section 3734, *post*, sec. 1364.

Sec. 1312. (Act March 4, 1889, ch. 411, sec. 1.) Legal services connected with procurement of titles to sites for public buildings to be rendered by district attorneys; abstracts of title to be furnished by grantors.

That hereafter all legal services connected with the procurement of titles to site for public buildings, other than for life saving stations and pier-head lights, shall be rendered by United States district attorneys: *Provided further*, That hereafter, in the procurement of sites for such public buildings, it shall be the duty of the Attorney-General to require of the grantors in each case to furnish, free of all expenses to the Government, all requisite abstracts, official certifications, and evidences of title that the Attorney-General may deem necessary. (25 Stat. 941.)

These provisions of the sundry civil appropriation act for the fiscal year 1890, cited above.

Sec. 1313. (Act August 1, 1888, ch. 728, sec. 1.) Condemnation of building sites; jurisdiction of courts.

That in every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses he shall be, and hereby is, authorized to acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the United States circuit or district courts of the district wherein such real estate is located, shall have jurisdiction of proceedings for such condemnation, and it shall be the duty of the Attorney-General of the United States, upon every application of the Secretary of the Treasury, under this act, or such other officer, to cause proceedings to be commenced for condemnation, within thirty days from the receipt of the application of the Department of Justice. (25 Stat. 357.)

This was a section of an act entitled "An act to authorize condemnation of land for sites of public buildings and for other purposes," cited above.

Sec. 1314. (Act March 2, 1889, ch. 411, sec. 1.) Plans for public buildings not to be approved until selection of site; expenditures not to exceed appropriations.

That hereafter no plan shall be approved by the Secretary of the Treasury for any public building authorized by Congress to be erected, until after the site therefor shall have been finally selected; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building, including heating apparatus, elevators, and approaches thereto, than the amount that shall remain of the sum specified in the law authorizing the erection of such building excluding cost of site. (25 Stat. 941.)

This was a provision of the sundry civil appropriation act for the fiscal year 1890, cited above.

Any officer who shall knowingly contract for the erection, repair, or furnishing of any public building, to pay a larger amount than the specific sum appropriated therefor, shall be punished by fine and imprisonment, by Act March 4, 1909, ch. 321, sec. 98, *post*, sec. 1362.

Sec. 1315. (Act June 25, 1910, ch. 383, sec. 35.) Plans, etc., for buildings under executive departments, etc.; preparation in office of Supervising Architect; reimbursement for cost of work.

That hereafter the Secretary of the Treasury may, in his discretion, upon the request of the head of any other executive department, or establishment of the Government not under any executive department, cause the plans, drawings, designs, specifications, and estimates to be prepared in the office of the Supervising Architect, for any building or buildings for governmental purposes which the head of any other executive department or establishment not under and executive department may be authorized to have constructed: *Provided*, That the proper appropriations for the support and maintenance of the office of the Supervising Architect be reimbursed for the cost of such work. (36 Stat. 699.)

This was a section of an act to increase the cost of public buildings, etc., cited above.

Sec. 1316. (Act July 1, 1898, ch. 546, sec. 1.) Public buildings outside of District of Columbia under control of Secretary of the Treasury.

That all court-houses, custom-houses, post-offices, appraiser's stores, barge offices, subtreasuries, and other public buildings outside of the District of Columbia and outside of military reservations which have been heretofore purchased or erected, or are at present in course of construction, or which may hereafter be erected or purchased out of any appropriation under the control of the Treasury Department, together with the site or sites thereof, are hereby expressly declared to be under the exclusive jurisdiction and control and in the custody of the Secretary of the Treasury, who shall have full power to take possession of and assign and reassign rooms therein to such Federal officials, clerks, and employees as in his judgment and discretion should be furnished with offices or rooms therein. (30 Stat. 614.)

This was a paragraph of the sundry civil appropriation act for the fiscal year 1899, cited above.

Sec. 1317. (Act March 1, 1919, ch. 86, sec. 10.) Public Buildings Commission created; to have control and allotment of all space in Government owned and leased buildings in District of Columbia.

Public Buildings Commission: With a view to the control and allotment of space in owned or leased Government buildings in the District of Columbia, a Public Buildings Commission is hereby created to be composed of two Senators to be appointed by the President of the Senate and two Members of the House of Representatives to be appointed by the Speaker, who shall serve thereon only so long as they are Members of Congress, and the Superintendent of the Capitol Building and Grounds, the officer in charge of public buildings and grounds; and the Supervising Architect or the Acting Supervising Architect of the Treasury during any vacancy in said office. Said commission shall elect one of its members as

chairman of the commission and is authorized to employ such expert clerical or other services as it may deem necessary.

Any vacancies in said commission shall be filled in the same manner as the original appointments were made.

Said commission shall have the absolute control of and the allotment of all space in the several public buildings owned or buildings leased by the United States in the District of Columbia, with the exception of the Executive Mansion and office of the President, Capitol Building, the Senate and House Office Buildings, the Capitol power plant, the buildings under the jurisdiction of the Regents of the Smithsonian Institution, and the Congressional Library Building, and shall from time to time assign and allot, for the use of the several activities of the Government, all such space. (40 Stat. 1269.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1920, cited above.

Sec. 1318. (Act August 24, 1912, ch. 355, sec. 1.) Buildings, etc., not to be erected on reservations, parks, or public grounds in District of Columbia without express authority of Congress.

Hereafter there shall not be erected on any reservation, park, or public grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress. (37 Stat. 444.)

This was a provision of the sundry civil appropriation act for the fiscal year 1913, cited above.

Sec. 1319. (Act March 3, 1893, ch. 211, sec. 3.) Public buildings not to be draped in mourning.

That hereafter no building owned, or used for public purposes, by the Government of the United States, shall be draped in mourning and no part of the public fund shall be used for such purpose. (27 Stat. 715.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1894, cited above.

Sec. 1320. (Act April 28, 1902, ch. 594, sec. 1.) Use of public buildings for public ceremonies forbidden.

That hereafter no public building, or the approaches thereto, other than the Capitol building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of the President of the United States, or other public function, except as may hereafter be expressly authorized by law. (32 Stat. 152.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1903, cited above.

Sec. 1321. (Res. May 8, 1914, No. 12, sec. 1.) President authorized to issue proclamation calling upon Government officials to display flag on Government buildings on second Sunday in May.

Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

Whereas we honor ourselves and the mothers of America when we do anything to give emphasis to the home as the fountain head of the State; and

Whereas the American mother is doing so much for the home, the moral uplift and religion, hence so much for good government and humanity: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag at their homes or other suitable places, on the second Sunday in May, as a public expression of our love and reverence for the mothers of our country. (38 Stat. 770.)

This section and the section next following were a resolution entitled "Joint Resolution designating the second Sunday in May as Mother's Day, and for other purposes," cited above.

Sec. 1321a. (Res. May 8, 1914, No. 13, sec. 2.) Second Sunday in May designated Mother's Day; President to request observance.

That the second Sunday in May shall hereafter be designated and known as Mother's Day, and it shall be the duty of the President to request its observance as provided for in this resolution. (38 Stat. 771.)

See note to preceding section.

Sec. 1322. (Act July 29, 1892, ch. 320, sec. 15.) Laws of District of Columbia extended to public buildings and grounds belonging to United States.

That the provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order be, and the same are hereby, extended to all public buildings and public grounds belonging to the United States within the District of Columbia. And any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia, shall, upon conviction thereof, be fined not more than fifty dollars. (27 Stat. 325.)

This was a section of an act entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia," cited above.

Sec. 1323. (Act January 3, 1923, ch. 22.) Present furniture to be used.

That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not. (42 Stat. 1108.)

This was a proviso annexed an appropriation for furniture and repairs of same, in buildings under the control of the Treasury Department, made in the Treasury Department appropriation act for the fiscal year 1924, cited above. Similar provisions were made in appropriation acts for the twenty-two preceding fiscal years.

Sec. 1324. (Act May 27, 1908, ch. 200, sec. 1.) Furniture in new buildings in accordance with plans and specifications.

The furniture for all new public buildings shall hereafter be procured in accordance with plans and specifications approved by the Supervising Architect of the Treasury. (35 Stat. 327.)

This was a provision following an appropriation for furniture, and repairs of same, etc., in buildings under the control of the Treasury Department, in the sundry civil appropriation act for the fiscal year 1909, cited above.

Sec. 1325. (Act March 3, 1883, ch. 143.) Water in public buildings, when to be shut off.

All officers in charge of public buildings in the District of Columbia shall cause the flow of water in the buildings under their charge to be shut off from five o'clock post meridian to eight o'clock ante meridian: *Provided*, That the water in said public buildings is not necessarily in use for public business. (22 Stat. 615.)

This was a provision of the sundry civil appropriation act for the fiscal year 1884, cited above.

Sec. 1326. (Act February 4, 1874, ch. 22.) Telegraph lines connecting public buildings in Washington; supervision; operation.

That the lines of telegraph, connecting the Capitol with the various Departments in Washington, constructed under and by virtue of the act of Congress approved March third, eighteen hundred and seventy-three, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," be, and the same are hereby, placed under the supervision of the officer in charge of the public buildings and grounds; and that the said officer be authorized and empowered to make rules and regulations for the working of said lines. And the Secretary or Head of each Executive Department, and the Congressional Printer, are hereby authorized to detail one person from their present force of employees to operate the instruments in said Departments and printing office, and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding one hundred dollars per month, during the sessions of Congress. (18 Stat. 14.)

This was an act entitled "An act in relation to the lines of telegraph connecting the Capitol with the various departments of the Government," cited above.

Act March 3, 1873, ch. 227, 17 Stat. 519, mentioned in this act, made an appropriation "for connecting the Capitol by telegraph, to be solely for public business, with all the departments of the Government and the Government Printing Office in the city of Washington.

Sec. 1327. (Act March 7, 1874, ch. 50.) Use of telegraph lines connecting public buildings.

That said lines of telegraph shall be for the use only of Senators, Members of Congress, Judges of the United States courts, and officers of Congress and of the Executive Departments, and solely on public business. (18 Stat. 20.)

This was a proviso annexed to an appropriation to pay the telegraph operators employed under Act February 4, 1874, ch. 22, *ante*, sec. 1326.

Sec. 1328. (Act March 3, 1879, ch. 182.) Telegraph connecting public buildings; sale of condemned material or lines not needed.

Telegraph to connect the Capitol with the departments and the Government Printing Office: * * * and the engineer in charge of public buildings and grounds is hereby authorized to sell any condemned material or lines not needed by the departments, and cover the proceeds in the Treasury. (20 Stat. 388.)

This was a provision of the sundry civil appropriation act for the fiscal year 1880, cited above.

A provision here omitted, as indicated, was an appropriation for the care and repair of the telegraph mentioned.

Sec. 1329. (Act March 4, 1909, ch. 321, sec. 60.) Injuries to United States telegraph, etc., lines; punishment.

Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, telephone, or cable line, or system, operated or controlled by the United States, whether constructed or in process of construction, or shall willfully or maliciously interfere in any way with the working or use of any such line, or system, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line, or system, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both. (35 Stat. 1099.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of Act June 23, 1874, ch. 461, 18 Stat. 250, which said act is expressly repealed by section 341 of said Code.

Sec. 1330. (Act March 4, 1907, ch. 2918, sec. 9.) Restriction on expenditures for production of electricity from appropriations for buildings in the District of Columbia.

No appropriation heretofore or hereafter made for the construction or equipment of any executive or municipal building in the District of Columbia shall be expended for the production of electricity for light or power, unless, in the judgment of the Secretary of the Treasury, such necessary electric current for light and power can not be obtained at a less cost. (34 Stat. 1371.)

This was a section of the sundry civil appropriation act for the fiscal year 1908, cited above.

Sec. 1331. (Act March 4, 1911, ch. 285, sec. 1.) Limitation of amount to be paid for lighting, etc., lamps in public grounds.

Hereafter no greater sum shall be paid any company for lighting any gas or electric lamp in the public grounds, or for installing or moving the same, than is paid by the District of Columbia for similar services, and no contract shall be required to be entered into for lighting the public grounds. (36 Stat. 1404.)

This was a provision of the sundry civil appropriation act for the fiscal year 1912, cited above.

Sec. 1332. (Act September 1, 1916, ch. 433, sec. 6.) Maximum rate for gas furnished by gas companies in the District of Columbia.

That hereafter no part of any money appropriated by this or any other Act shall be used for the payment to the Washington Gas Light Company or the Georgetown Gas Light Company for any gas furnished by said companies for use in any of the public buildings

of the United States or the District of Columbia at a rate in excess of 70 cents per one thousand cubic feet. (39 Stat. 716.)

This was a section of the District of Columbia appropriation act for the fiscal year 1917, cited above.

Sec. 1333. (Act March 3, 1877, ch. 105.) Report of consumption of gas in department buildings in Washington.

That the superintendent of meters at the Capitol shall hereafter take the statement of the meters of the several Department buildings in the city of Washington and render to the proper accounting officers of the Treasury Department the consumption of gas each month in said buildings respectively. (19 Stat. 359.)

This was a provision of the sundry civil appropriation act for the fiscal year 1878, cited above. A provision in the same words appeared in the appropriation act for the preceding fiscal year.

Sec. 1333a. (Act February 20, 1923, ch. 98.) Inspection of gas and electric meters.

Capitol power plant: * * * superintendent of meters * * * who shall inspect all gas and electric meters of the Government in the District of Columbia. (42 Stat. 1273.)

This was a provision of the legislative appropriation act for the fiscal year 1924. A provision in the same words was contained in the similar act for the preceding fiscal year.

Sec. 1334. (Act July 11, 1919, ch. 8, sec. 2.) Sale and lease, through heads of departments, of real property acquired since April 6, 1917; disposition of proceeds.

Disposal of real property by sale or lease: That the President is hereby authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to sell or lease real property or any interest therein or appurtenant thereto acquired by the United States of America since April 6, 1917, for storage purposes for the use of the Army, which in the judgment of the President or the head of such department is no longer needed for use by the United States of America, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate any such sale or lease.

That all moneys received by the United States as the proceeds of any such sale or lease shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts" and a full report of the same shall be submitted annually to Congress. (41 Stat. 129.)

These were provisions of the Army appropriation act for the fiscal year 1920, cited above.

Sec. 1335. (Act August 29, 1916, ch. 417.) Transfer of land selected for naval radio stations from other departments, etc., to Navy Department authorized.

That such land of the United States under the control of a particular department or other branch of the Government that has been or may hereafter be mutually selected as a site for a naval radio station may, by direction of the President, be transferred to and

placed under the control and jurisdiction of the Navy Department for use as a naval radio station or other naval purposes. (39 Stat. 606.)

This was a provision of the naval service appropriation act for the fiscal year 1917, cited above.

Sec. 1336. (Res. June 5, 1920, ch. 269, sec. 1.) Use of radio stations for messages relating to Government business.

That all land, ship, and airship radio stations, and all apparatus therein owned by the United States may be used by it for receiving and transmitting messages relating to Government business, compass reports, and the safety of ships. (41 Stat. 1061.)

This was a section of a resolution entitled "Joint Resolution to authorize the operation of Government owned radio stations for the use of the general public, and for other purposes," cited above.

Sec. 1336a. (Act May 12, 1917, ch. 12.) Collection of forwarding charges due connecting telegraph or radio companies for transmission of Government radiograms or telegrams.

That hereafter the Signal Corps, in its operation of military telegraph lines, cables, or radio stations, is authorized, in the discretion of the Secretary of War, to collect forwarding charges due connecting commercial telegraph or radio companies for the transmission of Government radiograms or telegrams over their lines, and to this end, under such regulations as may be prescribed by the Secretary of War, it can present vouchers to disbursing officers for payment or file claims with auditors of the Treasury Department for the amount of such forwarding charges. (40 Stat. 43.)

This was a provision of the Army appropriation act for the fiscal year 1918, cited above.

CHAPTER 33.

CONTRACTS.

Sec. 1337. (R. S. sec. 3709.) Advertisements for proposals for supplies or services; exceptions.

All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

Act March 2, 1861, ch. 84, sec. 10, 12 Stat. 220.

This section was amended by Act January 27, 1894, ch. 22, 28 Stat. 33, by the addition of the following provisions:

"And the advertisement for such proposals shall be made by all the Executive Departments, including the Department of Labor, the United States Fish Commission, the Interstate Commerce Commission, the Smithsonian Institution, the Government Printing Office, the government of the District of Columbia, and the superintendent of the State, War, and Navy building, except for paper and materials for use of the Government Printing Office, and materials used in the work of the Bureau of Engraving and Printing, which shall continue to be advertised for and purchased as now provided by law, on the same days and shall each designate two o'clock post meridian of such days for the opening of all such proposals in each Department and other Government establishment in the city of Washington; and the Secretary of the Treasury shall designate the day or days in each year for the opening of such proposals and give due notice thereof to the other Departments and Government establishments. Such proposals shall be opened in the usual way and schedules thereof duly prepared and, together with the statement of the proposed action of each Department and Government establishment thereon, shall be submitted to a board, consisting of one of the Assistant Secretaries of the Treasury and Interior Departments and one of the Assistant Postmasters-General, who shall be designated by the heads of said Departments and the Postmaster-General respectively, at a meeting to be called by the official of the Treasury Department, who shall be chairman thereof, and said board shall carefully examine and compare all the proposals so submitted and recommend the acceptance or rejection of any or all of said proposals. And if any or all of such proposals shall be rejected, advertisements for proposals shall again be invited and proceeded with in the same manner."

The provisions thus added to the section were limited to apply only to advertisements for proposals for fuel, ice, stationery, and other miscellaneous supplies to be purchased in Washington for the executive departments and other government establishments named, by a provision of Act April 21, 1894, ch. 61, sec. 2, 28 Stat. 62. As thus limited, the provisions added to the section by said amending act were superseded by the provisions for advertising for proposals for similar supplies, made by Act June 17, 1910, ch. 207, sec. 4, *post*, see 1338.

The provisions of this section were not to be applicable to purchases for or services rendered in the Department of Agriculture, when the aggre-

gate amount involved does not exceed the sum of \$50, by Act March 1, 1899, ch. 325, *ante*, sec. 136.

Purchases, without advertisement for proposals, of seed, cones, and nursery stock for the national forests were authorized by a provision of Act June 30, 1914, ch. 131, *ante*, sec. 137.

Advertisements, notices, or proposals for any executive department, etc., were not to be published in any newspaper whatever without written authority for such publication from the head of the proper department, and bills for such publication were not to be paid unless accompanied by a copy of such written authority, by R. S. sec. 3828, *post*, sec. 1344.

Sec. 1338. (Act June 17, 1910, ch. 297, sec. 4.) Advertisements and contracts for executive departments, etc., in Washington, by Secretary of Treasury; general supply committee, its duties, etc.; articles to be purchased; bonds of contractors; purchase or drawing of supplies by departments, etc.; telephone or electric light and power service.

That hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of the Treasury, instead of by the several departments and establishments, upon such days as he may designate. There shall be a general supply committee in lieu of the board provided for in section thirty-seven hundred and nine of the Revised Statutes as amended, composed of officers, one from each such department, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: *Provided*, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that, in his judgment, can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of

the head of their department: *And provided further*, That telephone service, electric light, and power service purchased or contracted for from companies or individuals shall be so obtained by him. (36 Stat. 531.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1911, cited above.

R. S. sec. 3709, mentioned in this section, is set forth *ante*, sec. 1337.

Sec. 1333a. (Act June 12, 1917, ch. 27, sec. 1.) Purchases or services outside of the District of Columbia not exceeding \$50.

Hereafter the purchase of supplies or the procurement of services outside the District of Columbia may be made in open market in the manner common among business men when the aggregate amount of the purchase does not exceed \$50. (40 Stat. 144.)

This was a provision of the sundry civil appropriation act for the fiscal year 1918, cited above.

R. S. Sec. 3709, requiring purchases and contracts for supplies or services in any of the departments to be made by advertising previously for proposals, is not to be construed to apply to any purchase or service in the Department of Agriculture when the aggregate amount involved does not exceed \$50, by Act March 1, 1899, ch. 325, *ante*, sec. 133.

Sec. 1339. (R. S. sec. 3826.) Advertisements in the District of Columbia.

All advertisements, notices, and proposals for contracts for all the Executive Departments of the Government, and the laws passed by Congress and executive proclamations and treaties to be published in the District of Columbia, Maryland, and Virginia, shall hereafter be advertised by publication in the three daily papers published in the District of Columbia having the largest circulation, one of which shall be selected by the Clerk of the House of Representatives, and in no others. The charges for such publications shall not be higher than such as are paid by individuals for advertising in said papers, and the same publications shall be made in each of the said papers equally as to frequency: *Provided*, That no advertisement to any State, district, or Territory, other than the District of Columbia, Maryland, or Virginia, shall be published in the papers designated, unless at the direction first made of the proper head of a Department: *And provided further*, That this section shall not be construed to allow a greater compensation for the publication of the laws passed by Congress and executive proclamations and treaties in the papers of the District of Columbia than is provided by law for such publications in other papers.

Act March 2, 1867, ch. 167, sec. 10, 14 Stat. 467. Act March 29, 1867, ch. 13, sec. 2, 15 Stat. 7, Act July 20, 1868, ch. 176, secs. 2, 4, 15 Stat. 110.

So much of this section as related to the publication of laws in newspapers was superseded by the amendment of R. S. sec. 70 by Act of February 18, 1875, ch. 80, sec. 1, 18 Stat. 317. And so much of the section as referred to the publication of advertisements in newspapers was repealed by Act March 3, 1875, ch. 128, sec. 1, *post*, sec. 1340.

No advertisements for contracts for the public service were to be published in any newspaper published or printed in the District of Columbia, unless the supplies or labor covered by such advertisement were to be furnished or performed in said District, by Act July 31, 1876, ch. 246, *post*, sec. 1341.

All advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments might be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts, but heads of the departments were authorized to

secure lower terms at special rates whenever the public interest should require it, by Act June 20, 1878, ch. 359, sec. 1. *post*, sec. 1342.

All advertising required by existing laws to be done in the District of Columbia by any of the departments was required to be given to one daily and one weekly newspaper of each of the two principal political parties, and to one daily and one weekly neutral newspaper, and the rates of compensation for such service were not to exceed the regular commercial rate of the newspapers selected, and no advertisement was to be paid for unless published in accordance with R. S. sec. 3828, by Act January 21, 1881, ch. 35, sec. 1, *post*, sec. 1343.

Sec. 1340. (Act March 3, 1875, ch. 128, sec. 1.) Publication of advertisements in newspapers abolished.

That hereafter the mail-lettings for the States of Maryland and Virginia and for the District of Columbia shall be advertised in not more than one newspaper published in the District of Columbia, and at prices satisfactory to the Postmaster-General, not exceeding the customary rates paid in the city of Washington for ordinary commercial advertisements; and so much of section three thousand eight hundred and twenty-six of the Revised Statutes of the United States as refers to the publication of advertisements in newspapers be, and the same is hereby, repealed. (18 Stat. 342.)

This was a provision of the postal service appropriation act for the fiscal year 1876, cited above.

R. S. sec. 3826, repealed in part by this provision, is set forth, *ante*, sec. 1339.

Sec. 1341. (Act July 31, 1876, ch. 246.) Advertisements for contracts in the District of Columbia.

That all executive proclamations, & all treaties required by law to be published, shall be published in only one newspaper the same to be printed and published in the District of Columbia and to be designated by the Secretary of State and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia. (19 Stat. 105.)

This was a provision of the sundry civil appropriation act for the fiscal year 1877, cited above.

See note to R. S. sec. 3626, *ante*, sec. 1339, as to effect of these provisions upon that section.

Sec. 1342. (Act June 20, 1878, ch. 359, sec. 1.) Rate of payment for advertisements, notices, proposals, etc.

That hereafter all advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise: * * * but the heads of the several departments may secure lower terms at special rates whenever the public interest requires it. (20 Stat. 216.)

This was a provision of the sundry civil appropriation act for the fiscal year 1879, cited above.

A proviso, here omitted, related to the rate for previous advertising.

See notes to R. S. sec. 3826, *ante*, sec. 1339.

Sec. 1343. (Act January 21, 1881, ch. 25, sec. 1.) Advertising in the District of Columbia; rates of compensation.

That all advertising required by existing laws to be done in the District of Columbia by any of the departments of the government shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper: *Provided*, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section thirty-eight hundred and twenty-eight of the Revised Statutes. (21 Stat. 317.)

This was a section of an act entitled "An act to regulate the award of and compensation for public advertising in the District of Columbia," cited above.

Section 2 of this act repealed all laws inconsistent with the act.

R. S. sec. 3828, mentioned in this section, is set forth *post*, sec. 1343.

Sec. 1344. (R. S. sec. 3828.) No advertisement without authority.

No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising, or publication, shall be paid, unless there be presented, with such bill, a copy of such written authority.

Act July 15, 1870, ch. 292, sec. 2, 16 Stat. 308.

See notes to R. S. sec. 3826, *ante*, sec. 1339.

Sec. 1345. (R. S. sec. 3710.) Opening bids.

Whenever proposals for supplies have been solicited, the parties responding to such solicitations shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.

Res. January 31, 1868, No. 8, 15 Stat. 246.

Sec. 1346. (R. S. sec. 3711, as amended by Act March 2, 1895, ch. 177, sec. 6, and Act March 15, 1898, ch. 68, sec. 6.) Inspection of fuel in District of Columbia; appointment of inspectors, etc.

It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person, to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made from among the persons authorized to be employed in such Department or branch of the service. The person appointed under this section shall ascertain that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.

Act July 11, 1870, ch. 243, sec. 1, 16 Stat. 229. Act March 2, 1895, ch. 177, sec. 6, 28 Stat. 808. Act March 15, 1898, ch. 68, sec. 6, 30 Stat. 316.

The last sentence of this section, and the first sentence to and including the word "made," remain unchanged by the amendments. The intervening portion of the section, as originally enacted, read as follows: "The person so appointed shall, before entering upon the duty of inspector, weigher, and measurer, and to the satisfaction of the appointing officer, give bond, with not less than two sureties, in the penal sum of five thousand dollars, and with condition that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. The inspector, weigher, and measurer so appointed shall be entitled to receive from the venders of fuel weighed and measured by him twenty cents for each ton of coal weighed, and nine cents for each cord of wood measured by him." This portion of the section, as amended by said Act March 2, 1895, ch. 177, sec. 6, cited above, read as follows: "from among the persons authorized to be employed in such department or branch of the service: *Provided*, That the weigher and measurer of the Navy Department may be appointed outside of said department, and that such weigher and measurer shall give bond and be paid as heretofore provided by law. The person appointed under this section shall ascertain that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be so measured shall be of the standard measure of one hundred and twenty-eight cubic feet." This portion of the section was again amended by said Act March 15, 1898, ch. 68, sec. 6, also cited above, to read as above set forth.

Sec. 1347. (R. S. sec. 3712.) Appointments of fuel inspectors to be notified to accounting officer.

The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section.

Act July 11, 1870, ch. 243, sec. 2, 16 Stat. 229.

Sec. 1348. (R. S. sec. 3713.) No payment for fuel without inspector's certificate.

It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer.

Act July 11, 1870, ch. 243, sec. 2, 16 Stat. 229.

Sec. 1349. (Act July 1, 1918, ch. 113, sec. 1.) Secretary of Interior to establish fuel-storage yards for branches of Federal service and procure fuel required; branches of Federal service to purchase all fuel from Secretary of Interior and make payment therefor from their applicable appropriations.

Government Fuel Yards: The Secretary of the Interior is authorized and directed to establish in the District of Columbia storage and distributing yards for the storage of fuel for the use of and delivery to all branches of the Federal service and the municipal government in the District of Columbia and such parts thereof as may be situated immediately without the District of Columbia and economically can be supplied therefrom, and to select, purchase, contract for, and distribute all fuel required by the said services. Authority is granted the Secretary of the Interior, in connection with the establishment of the said yards, to procure by purchase, requisition for immediate use,

condemnation, or lease for such period as may be necessary, land, wharves, and railroad trestles and sidings requisite therefor. All branches of the Federal service and the municipal government in the District of Columbia, from and after the establishment of the said fuel yards, shall purchase all fuel from the Secretary of the Interior and make payment therefor from applicable appropriations at the actual cost thereof to the United States, including all expenses connected therewith. (40 Stat. 672.)

These were provisions of the sundry civil appropriation act for the fiscal year 1919, cited above.

The Secretary of the Interior was authorized to deliver fuel for storage to all branches of the Federal service, and payment therefor is to be made from their applicable appropriations, by a provision of Act June 5, 1920, ch. 235, sec. 1, *post*, sec. 1350.

Sec. 1350. (Act June 5, 1920, ch. 235, sec. 1.) Secretary of Interior authorized to deliver fuel for branches of Federal service; payment to be made from their applicable appropriations.

Hereafter the Secretary of the Interior is authorized to deliver, during the months of April, May, and June of each year, to all branches of the Federal service and the municipal government in the District of Columbia, such quantities of fuel for their use during the following fiscal year as it may be practicable to store at the points of consumption, payment therefor to be made by these branches of the Federal service and municipal government from their applicable appropriations for such fiscal year. (41 Stat. 913.)

This was a paragraph of the sundry civil appropriation act for the fiscal year 1921, cited above.

The Secretary of the Interior is required to establish storage and distributing yards for storage of fuel for the use of and delivery to all branches of the Federal service and to purchase and distribute all fuel required for said services, and all branches of the Federal service are required to purchase all fuel from the Secretary of the Interior and make payment therefor from applicable appropriations at actual cost, by provisions of Act July 1, 1918, ch. 113, sec. 1, *ante*, sec. 1349.

Sec. 1351. (Act June 5, 1920, ch. 235, sec. 1.) Use permitted of Government fuel yard trucks for hauling material for branches of Federal service; payment of actual cost.

Hereafter the Secretary of the Interior may have sand, gravel, stone, and other material hauled for the municipal government of the District of Columbia and for branches of the Federal service in the District of Columbia, whenever it may be practicable and economical to have such work performed by using trucks of the Government fuel yards not needed at the time for the hauling of fuel. Payment for such work shall be made on the basis of the actual cost to the Government fuel yards. (41 Stat. 913.)

This was a provision of the sundry civil appropriation act for the fiscal year 1921, cited above.

Sec. 1352. (R. S. sec. 3732.) Unauthorized contracts prohibited.

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or trans-

portation, which, however, shall not exceed the necessities of the current year.

Act March 2, 1861, ch. 84, sec. 10, 12 Stat. 220.

This section was reenacted, with an additional clause included in the exception of contracts or purchases in the War and Navy Departments, "medical and hospital supplies," by the Army appropriation act for the fiscal year 1907, Act June 12, 1906, ch. 3078, 34 Stat. 255.

No executive department, etc., shall expend, in any fiscal year, any sum in excess of appropriations for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations, by R. S. sec. 3679, *ante*, sec. 1177.

Sec. 1353. (Act March 4, 1915, ch. 147, sec. 5.) Exchange of typewriters, adding machines, etc., in part payment for new machines; report of exchanges.

That the executive departments and other Government establishments and all branches of the public service may hereafter exchange typewriters, adding machines, and other similar labor saving devices in part payment for new machines used for the same purpose as those proposed to be exchanged. There shall be submitted to Congress, on the first day of the session following the close of each fiscal year, a report showing, as to each exchange hereunder, the make of the article, the period of its use, the allowance therefor, and the article, make thereof, and price, including exchange value, paid or to be paid for each article procured through such exchange. (38 Stat. 1161.)

These were provisions of the deficiency appropriation act for the fiscal year 1915, cited above.

The Secretary of Agriculture was authorized to exchange typewriters and computing, addressing, and duplicating machines purchased from lump-fund appropriations of the Department of Agriculture, by Act August 10, 1912, ch. 284, *ante*, sec. 55. See notes thereto.

Sec. 1354. (Act June 5, 1920, ch. 235, sec. 7.) Restriction on sale, exchange, etc., of used typewriting machines.

Hereafter no department or other Government establishment shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter, that has been used less than three years. (41 Stat. 947.)

This was a section of the sundry civil appropriation act for the fiscal year 1921, cited above.

A provision authorizing the exchange of typewriters, etc., purchased from lump-fund appropriations of the Department of Agriculture, by Act August 10, 1912, ch. 284, is set forth, *ante*, sec. 55; and all executive departments were authorized to exchange typewriters, etc., in part payment for new machines, by Act March 4, 1915, ch. 147, sec. 5, *ante*, sec. 1353.

Sec. 1355. (Act January 3, 1923, ch. 22.) Maximum prices for typewriting machines.

No part of any money appropriated by this or any other Act shall be used during the fiscal year 1924 for the purchase of any standard typewriting machine, except bookkeeping and billing machines, at a price in excess of the following for models with carriages which will accommodate paper of the following widths, to wit: Ten inches (correspondence models), \$70; twelve inches, \$75; fourteen inches, \$77.50; sixteen inches, \$82.50; eighteen inches,

\$87.50; twenty inches \$94; twenty-two inches, \$95; twenty-four inches, \$97.50; twenty-six inches, \$103.50; twenty-eight inches, \$104; thirty inches, \$105; thirty-two inches, \$107.50. (42 Stat. 1090.)

This was a paragraph of the Treasury Department appropriation act for the fiscal year 1924, cited above. A paragraph of this act, next following this one, is set forth, *post*, sec. 1356.

Sec. 1356. (Act January 3, 1923, ch. 22.) Purchase of typewriting machines to be made from surplus stock of General Supply Committee.

All purchases of typewriting machines during the fiscal year 1924 by executive departments and independent establishments for use in the District of Columbia or in the field, except as hereinafter provided, shall be made from the surplus machines in the stock of the General Supply Committee. The War Department shall furnish the General Supply Committee, immediately upon the approval of this Act, a complete inventory of the various makes, models, and classes of typewriters in its possession, the condition of such machines, and the point of storage, and shall turn over to the General Supply Committee such typewriting machines in such quantities as the Secretary of the Treasury from time to time may call for by specific requisition for sale to the various services of the Government. If the General Supply Committee is unable to furnish serviceable machines to any such service of the Government, it shall furnish unserviceable machines at current exchange prices, and such machines shall then be applied by the service of the Government receiving them as part payment for new machines from commercial sources in accordance with the prices fixed in the preceding paragraph. And in selling typewriting machines to the various services the General Supply Committee may accept an equal number of unserviceable machines as part payment thereon at the exchange prices quoted in the current general schedule of supplies. (42 Stat. 1091.)

This was a further paragraph of the Treasury Department appropriation act for the fiscal year 1924, cited above. Similar provisions were made for the three preceding fiscal years.

Sec. 1357. (Act July 11, 1919, ch. 6, sec. 5.) Purchase of material, supplies, and equipment to be made from available stock of other Government services; duty before purchasing elsewhere; price stipulation; sales authorized; executive order not affected.

That the heads of the several executive departments and other responsible officials, in expending appropriations contained in this or any other Act, so far as possible shall purchase material, supplies, and equipment, when needed and funds are available, from other services of the Government possessing material, supplies, and equipment no longer required because of the cessation of war activities. It shall be the duty of the heads of the several executive departments and other officials, before purchasing any of the article described herein, to ascertain from the other services of the Government whether they have articles of the character described that are serviceable. And articles purchased by one service from another, if the same have not been used, shall be paid for at a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price

based upon length of usage. The various services of the Government are authorized to sell such articles under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as a miscellaneous receipt: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office material, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities. (41 Stat. 67.)

This was a section of the "Third Deficiency Appropriation Act" of 1919, cited above.

Provisions in the same language as that of this section, but omitting the words "or any other" in the first sentence, were contained in the legislative, executive, and judicial appropriation act for the fiscal year 1920, Act March 1, 1919, ch. 86, sec. 8, 40 Stat. 1268. Similar provisions were contained in the postal service appropriation act for the fiscal year 1920, Act February 28, 1919, ch. 69, sec. 4, 40 Stat. 1200, and the District of Columbia appropriation act for the fiscal year 1920, Act June 11, 1919, ch. 7, sec. 7, 41 Stat. 103.

Sec. 1358. (Act March 3, 1877, ch. 106.) Contracts for rent of buildings in District of Columbia not to be made until appropriations therefor.

Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building. (19 Stat. 370.)

This was a provision of the deficiency appropriation act for the fiscal year 1877, cited above.

Other buildings in the District of Columbia may be rented instead of buildings already rented, by a provision of Act August 5, 1882, ch. 389, sec. 1, *post*, sec. 1359.

Provisions requiring statements in the annual estimates as to buildings rented in the District of Columbia for the use of the Government, are set forth *ante*, secs. 1163-1166.

Sec. 1359. (Act August 5, 1882, ch. 389, sec. 1.) Rent of buildings in District of Columbia instead of others rented.

Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That no increase in the number of buildings now in use, nor in the amounts paid for rents, shall result therefrom. (22 Stat. 241.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1883, cited above.

Contracts for the rent of buildings in the District of Columbia were not to be made until appropriations had been made therefor, by a provision of Act March 3, 1877, ch. 106, *ante*, sec. 1358.

Sec. 1360. (Act March 2, 1913, ch. 93.) Lease of storage accommodations by heads of departments.

The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding six years, of modern fireproof storage accommodations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from

appropriations that Congress may from time to time make for rent of buildings for their respective departments. (37 Stat. 718.)

This was a paragraph of the army appropriation act for the fiscal year 1914, cited above.

Sec. 1361. (R. S. sec. 3733.) No contract for erection, etc., of public building, etc., to exceed appropriation.

No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose.

Act July 25, 1868, ch. 233, sec. 3, 15 Stat. 177.

No contract is to be made for the payment of any site for a public building in excess of the amount specifically appropriated therefor, by a provision of R. S. sec. 3734, as amended by Act June 25, 1910, ch. 383, sec. 33, *post*, sec. 1364.

Any officer of the United States knowingly contracting for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, was punishable by fine and imprisonment, by section 98 of the Criminal Code, Act March 4, 1909, ch. 321, *post*, sec. 1362.

Any estimate submitted to Congress by the head of a department, asking an appropriation for any new specified expenditure, such as the erection of a public building or the construction of any public work requiring a plan before the building or work can be properly completed, must be accompanied by full plans and detail estimates of the cost of the whole work, and all subsequent estimate for any such work must state the original estimated cost, the aggregate amount theretofore appropriated, and the amount actually expended, as well as the amount asked for the current year for which the estimate is made, and if the amount is in excess of the original estimate, the full reasons for the excess, and the extent of the anticipated excess, must be stated, by R. S. sec. 3663, *ante*, sec. 1161.

Sec. 1362. (Act March 4, 1909, ch. 321, sec. 98.) Officer contracting for erection, etc., of public buildings or for public improvement beyond specific appropriation; punishment.

Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than two thousand dollars and imprisoned not more than two years. (35 Stat. 1106.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5503, which section was expressly repealed by section 341 of said Code.

A similar prohibition was made by R. S. sec. 3733, *ante*, sec. 1361.

Sec. 1363. (Act May 30, 1908, ch. 228, sec. 34.) Contracts for public buildings authorized within limit of cost fixed, although appropriations are in part only.

That hereafter in all cases where appropriations are made in part only for carrying into effect the provisions of legislation authorizing the acquisition of lands for sites or for the enlargement of sites for public buildings, or for the erection or remodeling, extension, alteration, and repairs of public buildings, the Secretary of the Treasury, unless otherwise specifically directed, be, and he is hereby, authorized and empowered to enter into contracts within the full limit of cost fixed by Congress therefor. (35 Stat. 545.)

This was a section of an act to increase the limit of the cost of public buildings, etc., cited above.

No money may be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor, by R. S. sec. 3734, as amended by Act June 25, 1910, ch. 383, sec. 33, *post*, sec. 1364.

Contracting for the erection, repair, or furnishing of any public building, or for any public improvement, involving the payment of a sum in excess of the amount appropriated, was prohibited by R. S. sec. 3733, *ante*, sec. 1361. See notes thereto.

Sec. 1364. (R. S. sec. 3734, as amended by Act June 25, 1910, ch. 383, sec. 33.)

Payment or contracts for public buildings in excess of appropriations forbidden; sketch plans to be approved before expenditure; limit of cost.

And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof shall have been made by the Supervising Architect of the Treasury Department (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Secretary of the Treasury and the head of each executive department who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: *Provided*, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended.

Act July 15, 1870, ch. 292, 16 Stat. 296. Act June 25, 1910, ch. 383, sec. 33, 36 Stat. 699.

This section, as enacted in the Revised Statutes, was as follows:

"Before any new buildings for the use of the United States are commenced, the plans and full estimates therefor shall be prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; and the cost of each building shall not exceed the amount of such estimate."

It was amended by the said Act June 25, 1910, ch. 383, sec. 33, cited above, to read as set forth here.

This section superseded the somewhat similar provisions of Act March 3, 1875, ch. 130, sec. 1, 18 Stat. 395, which were as follows:

"And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building on which work has not yet been actually begun until after drawings and specifications together with detailed estimates of the cost thereof, shall have been made by the Supervising Architect of the Treasury Department, and said plans and estimates shall have been approved by the Secretary of the Treasury, Secretary of the Interior, and the Postmaster General; and all appropriations made for the construction of such building shall be expended within the limitations of the act authorizing the same or limiting the cost thereof; and no change of said plan involving an increase of expense exceeding ten per centum of the amount to which said building was limited shall be allowed or paid by any officer of the Government without the special authority of Congress."

No contract was to be entered into for the erection, repair, or furnishing of any public building, or for any public improvement, which would bind the Government to pay a larger sum than the amount appropriated for the specific purpose, by R. S. sec. 3733, *ante*, sec. 1361.

Any officer knowingly contracting for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, was punishable by fine and imprisonment, by section 98 of the Criminal Code, Act March 4, 1909, ch. 321, *ante*, sec. 1362.

No land was to be purchased on account of the United States, except under a law authorizing such purchase, by R. S. sec. 3736, *post*, sec. 1371.

Any estimate submitted to Congress by the head of a department, asking an appropriation for any new specified expenditure, such as the erection of a public building or the construction of any public work requiring a plan before the building or work can be properly completed, must be accompanied by full plans and detail estimates of the cost of the whole work, and all subsequent estimates for any such work must state the original estimated cost, the aggregate amount theretofore appropriated, and the amount actually expended, as well as the amount asked for the current year for which the estimate is made, and if the amount is in excess of the original estimate, the full reasons for the excess and the extent of the anticipated excess must be stated by R. S. sec. 3663, *ante*, sec. 1161.

Where appropriations are made in part only for carrying into effect provisions for public buildings, the Secretary of the Treasury may enter into contracts within the full limit of cost fixed by Congress therefor, by Act May 30, 1908, ch. 228, sec. 34, *ante*, sec. 1363.

The Secretary of the Treasury was authorized, upon the request of the head of any other department, to cause plans, etc., and estimates to be prepared in office of the Supervising Architect, for any building for governmental purposes, by Act June 25, 1910, ch. 383, sec. 35, *ante*, sec. 1315.

No plan shall be approved by the Secretary of the Treasury for any public building authorized to be erected, until after the site therefor shall have been finally selected, or which shall involve a greater expenditure for completion of such building than the amount specified by law, excluding the cost of site, by Act March 2, 1889, ch. 411, sec. 1, *ante*, sec. 1314.

Sec. 1365. (Act August 1, 1892, ch. 352, sec. 1, as amended by Act March 3, 1913, ch. 106.) Eight hours' labor in one day for laborers and mechanics on public works; permitting longer hours of work unlawful.

That the service and employment of all laborers and mechanics who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day: and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency: *Provided*, That nothing in this Act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river

or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States. (27 Stat. 340; 37 Stat. 726.)

This section and the two sections next following were Act August 1, 1892, ch. 352, entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," cited above, as amended by Act March 3, 1913, ch. 106, also cited above.

This section, as originally enacted, read as follows:

"That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency."

R. S. sec. 3738, providing that eight hours should constitute a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, was superseded by this section.

All public contracts which may require or involve the employment of laborers or mechanics shall provide that no laborer or mechanic doing any part of the work contemplated by such contract should be required or permitted to work more than eight hours in any one calendar day upon such work, and shall stipulate a penalty for violation of such provision, by Act June 19, 1912, ch. 174, sec. 1, *post*, sec. 1367.

Sec. 1366. (Act August 1, 1892, ch. 352, sec. 2, as amended by Act March 3, 1913, ch. 106.) Violation of act by officer or contractor punishable.

That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of this Act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof. (27 Stat. 340; 37 Stat. 726.)

See note to the preceding section.

This section, as originally enacted, read as follows:

"That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall upon conviction be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof."

Sec. 1366a. (Act August 1, 1892, ch. 352, sec. 3, as amended by Act March 3, 1913, ch. 106.) Existing contracts not affected by act.

That the provisions of this Act shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this Act or may be entered into under the provisions of appropriation Acts approved prior to the passage of this Act. (27 Stat. 340; 37 Stat. 727.)

See note to section 1 of the Act, *ante*, sec. 1365.

This section, as originally enacted, read as follows:

"The provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act."

Sec. 1367. (Act June 19, 1912, ch. 174, sec. 1.) Contracts requiring employment of laborers or mechanics to provide for eight-hour workday; stipulation for penalty for violations; inspectors to report violations; appeals to heads of departments; right of action in Court of Claims.

That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this Act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty

as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court. (37 Stat. 137.)

This section and the section next following were part of an act entitled "An act relating to the limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," cited above.

Section 3 of this act provided that the act should become effective January 1, 1913.

Sec. 1368. (Act June 19, 1912, ch. 174, sec. 2.) Contracts excepted from act; all classes of work included; waiver in time of war; penalty not to be imposed in emergencies, etc.; eight-hour law not affected.

That nothing in this Act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section one of this Act. The President, by Executive order, may waive the provisions and stipulations in this Act as to any specific contract or contracts during time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this Act shall be construed to repeal or modify the Act entitled "An Act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" being chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, as modified

by the Acts of Congress approved February twenty-seventh, nineteen hundred and six, and June thirtieth, nineteen hundred and six, or apply to contracts which have been or may be entered into under the provisions of appropriation Acts approved prior to the passage of this Act. (37 Stat. 138.)

Act August 1, 1892, ch. 352, mentioned in this section, is set forth as amended by Act March 3, 1913, ch. 106, *ante*, secs. 1365-1366a.

Act February 27, 1906, ch. 510, 34 Stat. 33, and Act June 30, 1906, ch. 3912, 34 Stat. 609, also mentioned in this section, restricted the application of said act August 1, 1892, ch. 352, to alien laborers, etc., employed on the construction of the Isthmian Canal, within the Canal Zone.

Sec. 1369. (Act August 13, 1894, ch. 280, as amended by Act February 24, 1905, ch. 778.) Bonds of contractors for public buildings or works; rights of persons furnishing labor and materials; remedies on bonds and proceeds in actions thereon.

That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners. If no suit should be brought by the United States within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and material shall, upon application therefor, and furnishing affidavit to the Department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States in the circuit court of the United States in the district in which said contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: *And pro-*

vided further, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *Provided further*, That in all suits instituted under the provisions of this Act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the State or town where the contract is being performed, for at least three successive weeks, the last publication to be at least three months before the time limited therefor. (28 Stat. 278; 33 Stat. 811.)

This was an Act entitled "An act for the protection of persons furnishing materials and labor for the construction of public works." August 13, 1894, ch. 280, cited above, as amended by Act February 24, 1905, ch. 778, also cited above.

The act, as originally enacted, consisted of two sections, as follows:

"That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work or for repairs upon any public building or public work, shall be required before commencing such work to execute the usual penal bond, with good and sufficient sureties, with the additional obligations that such contractor or contractors shall promptly make payment to all persons supplying him or them labor and materials in the prosecution of the work provided for in such contract; and any person or persons making application therefor, and furnishing affidavit to the Department under the direction of which said work is being, or has been, prosecuted, that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, shall be furnished with a certified copy of said contract and bond, upon which said person or persons supplying such labor and materials shall have a right of action, and shall be authorized to bring suit in the name of the United States for his or their use and benefit against said contractor and sureties and to prosecute the same to final judgment and execution: *Provided*, That such action and its prosecutions shall involve the United States in no expense.

"Sec. 2. Provided that in such case the court in which such action is brought is authorized to require proper security for costs in case judgment is for the defendant."

Sec. 1370. (R. S. sec. 3735.) Contracts for supplies limited to one year.

It shall not be lawful for any of the Executive Departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made.

Res. January 31, 1868, No. 8, 15 Stat. 246.

Sec. 1371. (R. S. sec. 3736.) Restriction on purchase of land.

No land shall be purchased on account of the United States, except under a law authorizing such purchase.

Act May 1, 1820, ch. 52, sec. 7, 3 Stat. 568.

Sec. 1372. (R. S. sec. 3743, as amended by Act February 27, 1877, ch. 69, sec. 1, and Act July 31, 1894, ch. 174, sec. 18.) Deposit of contracts.

All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited promptly in the offices of the Auditors of the Treasury, according to the nature of the contracts: *Provided*, That this section shall not apply to the existing laws in regard to the contingent funds of Congress.

Act July 16, 1798, ch. 85, sec. 6, 1 Stat. 610. Act February 27, 1877, ch. 69, sec. 1, 19 Stat. 249. Act July 31, 1894, ch. 174, sec. 18, 28 Stat. 210.

This section, as enacted in the Revised Statutes, read as follows:

"All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited in the office of the First Comptroller of the Treasury of the United States, within ninety days after their respective dates."

The section was amended by said Act February 27, 1877, ch. 69, sec. 1, cited above, by inserting after the words "First Comptroller of the Treasury of the United States," the words "the Second Comptroller of the Treasury of the United States, or the Commissioner of Customs, respectively, according to the nature thereof." It was again amended by said Act July 31, 1894, ch. 174, sec. 18, also cited above, to read as set forth here.

Sec. 1373. (R. S. sec. 3737.) Transfer of contracts, etc., forbidden.

No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

Act July 17, 1862, ch. 200, sec. 14, 12 Stat. 596.

Sec. 1374. (Act June 22, 1874, ch. 389, sec. 10.) Government agents and employees not to be interested in Indian contracts.

That no agent or employee of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made, or under negotiation, with the Government, or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians; nor shall any such agent or employee collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same. The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, and by removal from office; and, in addition thereto, the court shall, in its discretion, have the power to punish by imprisonment of not more than six months. (18 Stat. 177.)

This was a section of the Indian Department appropriation act for the fiscal year 1875, cited above.

Sec. 1375. (Act March 4, 1909, ch. 321, sec. 41.) Persons interested not to act as government agents; punishment.

No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such

corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than two thousand dollars and imprisoned not more than two years. (35 Stat. 1097.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 1783, which section was expressly repealed by section 341 of said Code.

Sec. 1376. (R. S. sec. 3741, as amended by Act February 27, 1877, ch. 69, sec. 1.) Stipulation in contracts that no member of Congress has an interest therein.

In every such contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no member of or delegate to Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

Act April 21, 1808, ch. 48, sec. 3, 2 Stat. 484. Act February 27, 1877, ch. 69, sec. 1, 19 Stat. 249.

This section was amended by Act February 27, 1877, ch. 69, sec. 1, cited above, by inserting after the words "that no member of" the words "or delegate to."

Sec. 1377. (Act March 4, 1909, ch. 321, sec. 112.) Member of Congress, etc., or officer or agent of United States, taking consideration for procuring contract, etc., from the United States or any officer or department thereof; offering, etc., member of Congress, etc., consideration to procure contract, etc.; punishment; contract voidable.

Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified and during his continuance in office, or being an officer or agent of the United States, shall directly or indirectly take, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, appointive office, or place from the United States or from any officer or Department thereof, for any person whatever, or for giving any such contract, appointive office, or place to any person whomsoever; or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow, any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such contract, appointive office, or place, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void. (35 Stat. 1108.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 1781, which section was expressly repealed by section 341 of said Code.

Sec. 1378. (Act March 4, 1909, ch. 321, sec. 114.) Member of Congress interested in public contracts; punishment; contracts void; repayment of consideration, etc.

Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election

or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement, made or entered into in behalf of the United States by any officer or person authorized to make contracts on its behalf, shall be fined not more than three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties, for the recovery of the money so advanced. (35 Stat. 1109.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 3739, which section was expressly repealed by section 341 of said Code.

Sec. 1379. (Act March 4, 1909, ch. 321, sec. 115.) Officer of United States making official contract with member of Congress; punishment.

Whoever, being an officer of the United States, shall on behalf of the United States, directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, with any Member of or Delegate to Congress, or any Resident Commissioner, after his election or appointment as such Member, Delegate, or Resident Commissioner, and either before or after he has qualified, and during his continuance in office, shall be fined not more than three thousand dollars. (35 Stat. 1109.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 3742, which section was expressly repealed by section 341 of said Code.

Sec. 1380. (Act March 4, 1909, ch. 321, sec. 116.) Contracts not affected by two preceding sections.

Nothing contained in the two preceding sections shall extend, or be construed to extend, to any contract or agreement made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company: nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, or Resident Commissioner, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement. (35 Stat. 1109.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 3740, which section was expressly repealed by section 341 of said Code.

Sec. 1381. (Act March 4, 1909, ch. 321, sec. 31.) Officer making false acknowledgements; punishment.

Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person

with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both. (35 Stat. 1094.)

This was a section of the Criminal Code, cited above.

Sec. 1382. (Act June 26, 1906, ch. 3546.) Contracts for envelopes for executive departments, etc., by Postmaster-General.

The Postmaster-General is authorized to extend, for a period not exceeding six months, the contract for official, registry, and dead-letter envelopes for the postal service for the calendar year ending December thirty-first, nineteen hundred and six; and thereafter the Postmaster-General shall contract, for a period not exceeding four years, for all envelopes, stamped or otherwise, designed for sale to the public, or for use by the Post-Office Department, the postal service, and other Executive Departments, and all Government bureaus and establishments, and the branches of the service coming under their jurisdiction, and may contract for them to be plain or with such printed matter as may be prescribed by the Department making requisition therefor: *Provided*, That no envelope shall be sold by the Government containing any lithographing or engraving, nor any printing nor advertisement, except a printed request to return the letter to the writer. (34 Stat. 476.)

These were provisions of the postal service appropriation act for the fiscal year 1907, cited above.

These provisions superseded previous similar provisions of Act January 12, 1895, ch. 23, sec. 96, 28 Stat. 624.

R. S. sec. 3735, *ante*, sec. 1370, provides that it shall not be lawful for any of the executive departments to make contracts for stationery or other supplies for a longer time than one year from the time the contract is made.

Sec. 1383. (Act February 24, 1919, ch. 18, sec. 1408.) Departments to furnish to the Commissioner of Internal Revenue data relating to contracts, etc., for work or materials, etc.

That every person who on or after April 6, 1917, has entered into any contract, undertaking, or agreement, with the United States, or with any department, bureau, officer, commission, board, or agency under the United States or acting in its behalf, or with any other person having contract relations with the United States, for the performance of any work or the supplying of any materials or property for the use of or for the account of the United States, shall, within thirty days after a request of the Commissioner therefor, file with the Commissioner a true and correct copy of every such contract, undertaking, or agreement.

* * * * *

The Commissioner shall (when not violative of the technical military or naval secrets of the Government) have access to all information and data relating to any such contract, undertaking, or agreement, in the possession, control or custody of any department, bureau, board, agency, officer or commission of the United States, and may call upon any such department, bureau, board, agency, officer or

commission for a full statement and description of any allowance for amortization, obsolescence, depreciation or loss, or of any valuation, appraisal, adjustment or final settlement, made in pursuance of any such contract, undertaking, or agreement. (40 Stat. 1151.)

There were paragraphs of an act entitled "An act to provide revenue, and for other purposes," cited above.

The "Commissioner" referred to in these provisions is the Commissioner of Internal Revenue.

A paragraph omitted here as indicated, provides punishment for non-compliance with the provisions of the preceding paragraph set forth here.

Sec. 1384. (Act July 19, 1919, ch. 24, sec. 5.) Transfer of surplus War Department motor vehicles to other Government services authorized; determination of price; preference of surplus stock directed; free transfers of motor vehicles and equipment restricted.

The Secretary of War is authorized to transfer any unused and surplus motor-propelled vehicles and motor equipment of any kind, the payment for same to be made as provided herein, to any branch of the Government service having appropriations available for the purchase of said vehicles and equipment: *Provided*, That in case of the transfers herein authorized a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage, shall be determined upon and an equivalent amount of each appropriation available for said purchase shall be covered into the Treasury as a miscellaneous receipt, and the appropriation in each case reduced accordingly: *Provided further*, That it shall be the duty of each official of the Government having such purchases in charge to procure the same from any such unused or surplus stock if possible: *Provided further*, That hereafter no transfer of motor-propelled vehicles and motor equipment, unless specifically authorized by law, shall be made free of charge to any branch of the Government service. (41 Stat. 233.)

This was a section of the sundry civil appropriation act for the fiscal year 1920, cited above.

CHAPTER 34.

CLAIMS.

Sec. 1384a. (Act December 28, 1922, ch. 17, sec. 1.) Settlement of claims not exceeding \$1,000 for damages to private property by negligence of Government officer or employee; definitions.

That when used in this Act the terms "department and establishment" and "department or establishment" mean any executive department or other independent establishment of the Government; the word "employee" shall include enlisted men in the Army, Navy, and Marine Corps. (42 Stat. 1066.)

This section and the three sections next following were an act entitled "An act to provide for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," cited above.

Sec. 1384b. (Act December 28, 1922, ch. 17, sec. 2.) Settlement of claims not exceeding \$1,000 for damages to private property by negligence of Government officer or employee; authority of heads of departments, etc.; certification to Congress of amounts found due; time of presentation.

That authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government of the United States to consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed \$1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by a department or other independent establishment unless presented to it within one year from the date of the accrual of said claim. (42 Stat. 1066.)

Sec. 1384c. (Act December 28, 1922, ch. 17, sec. 3.) Settlement of claims not exceeding \$1,000 for damages to private property by negligence of Government officer or employee; acceptance of amount found due deemed full settlement.

That acceptance by any claimant of the amount determined under the provisions of this Act shall be deemed to be in full settlement of such claim against the Government of the United States. (42 Stat. 1066.)

Sec. 1384d. (Act December 28, 1922, ch. 17, sec. 4.) Settlement of claims not exceeding \$1,000 for damages to private property by negligence of Government officer or employee; repeal of conflicting laws.

That any and all Acts in conflict with the provisions of this Act are hereby repealed. (42 Stat. 1067.)

Sec. 1385. (R. S. sec. 184.) Subpœnas for witnesses in claims pending in departments.

Any head of a Department or Bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpœna for a witness being within the jurisdiction of such court, to appear at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim.

Act February 14, 1871, ch. 51, sec. 1, 16 Stat. 412.

Officers, etc., of the United States aiding or assisting in the prosecution of claims against the United States, are punishable by fine or imprisonment, or both, by Act March 4, 1909, ch. 321, sec. 109, *ante*, sec. 1100.

Sec. 1386. (R. S. sec. 185) Witnesses' fees in claims pending in departments.

Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States.

Act February 14, 1871, ch. 51, sec. 1, 16 Stat. 412.

Fees allowed witnesses in United States courts were prescribed by R. S. sec. 848, and Act May 27, 1908, ch. 200, sec. 1, 35 Stat. 377.

Sec. 1387. (R. S. sec. 186.) Compelling testimony.

If any witness, after being duly served with such subpœna, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpœna issued may proceed, upon proper process, to enforce obedience to the subpœna, or to punish the disobedience, in like manner as any court of the United States may do in case of process of subpœna *ad testificandum* issued by such court.

Act February 14, 1871, ch. 51, sec. 1, 16 Stat. 412.

Sec. 1388. (R. S. sec. 187.) Professional assistance in claims pending in departments.

Whenever any head of a Department or Bureau having made application pursuant to section one hundred and eighty-four, for a subpœna to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney-General, and of all facts necessary to enable the Attorney-General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney-General to provide for such service.

Act February 14, 1871, ch. 51, sec. 3, 16 Stat. 412.

R. S. sec. 184, mentioned in this section, is set forth *ante*, sec. 1385.

A similar provision was made by R. S. sec. 364, *post*, sec. 1389.

Sec. 1389. (R. S. sec. 364.) Services of counsel in claims pending in departments.

Whenever the head of a Department or Bureau gives the Attorney-General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any

claim, or upon the legal investigation of any claim, pending in such Department or Bureau, the Attorney-General shall provide for such service.

Act February 14, 1871, ch. 51, sec. 3, 16 Stat. 412.

A similar provision is made by R. S. sec. 187, *ante*, sec. 1388.

Sec. 1390. (R. S. sec. 3478.) Oath by persons prosecuting claims.

Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service.

Act July 17, 1862, ch. 205, sec. 1, 12 Stat. 610.

By Act May 13, 1884, ch. 46, sec. 2, *ante*, sec. 940, the form of oath required by this section is that prescribed by R. S. sec. 1757, *ante*, sec. 939.

Sec. 1391. (R. S. sec. 190.) Persons formerly in departments not to prosecute claims in them.

It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employé.

Act June 1, 1872, ch. 256, sec. 5, 17 Stat. 202.

Any officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department, who acts as agent or attorney for prosecuting any claim against the United States, or assists in the prosecution or support of any such claim, is made punishable by a section of the Criminal Code, Act March 4, 1909, ch. 321, sec. 109, *ante*, sec. 1100.

Sec. 1392. (Act April 27, 1916, ch. 89, sec. 1.) Use of name of Government official in advertising practice before departments, etc., unlawful.

That it shall be unlawful for any person, firm, or corporation practicing before any department or office of the Government to use the name of any Member of either House of Congress or of any officer of the Government in advertising the said business. (39 Stat. 54.)

This was a section of an act entitled "An act prohibiting the use of the name of any Member of either House of Congress or of any other officer of the Government by any person, firm, or corporation practicing before any department or office of the Government," cited above.

Sec. 1393. (R. S. sec. 188.) Evidence to be furnished by departments in suits pending in Court of Claims.

In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any Department, or any Bureau, officer, or agent of a Department, or where the matter or thing on which the claim is based has been passed upon and decided by any Department, Bureau, or officer authorized to adjust it, the Attorney-General shall transmit to such Department, Bureau, or officer, a printed copy of the petition filed by the claimant, with a request that the Department, Bureau, or officer, shall furnish to the Attorney-General all facts, circumstances, and

evidence touching the claim in the possession or knowledge of the Department, Bureau, or officer. Such Department, Bureau, or officer shall, without delay, and within a reasonable time, furnish the Attorney-General with a full statement, in writing, of all such facts, information, and proofs. The statement shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the Department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the Department, Bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the Department, Bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a Department, or where such regulation has, in the opinion of the Department, Bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases, is pending, the defense to which rests upon the same facts, circumstances, and proofs, the Department, Bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases, as if made out, certified, and transmitted in each case respectively.

Act June 25, 1868, ch. 71, sec. 6, 15 Stat. 76.

Sec. 1394. (Act March 3, 1911, ch. 231, sec. 145.) Jurisdiction of Court of Claims; claims against the United States; set-offs, etc.; claims of disbursing officers for losses.

The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an Executive Department, upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable * * *.

Second. All set-offs, counterclaims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States, brought by any officer of the United States to recover fees for services alleged to have been performed for the United States, shall be allowed under this chapter until an account for said fees shall have been rendered and finally acted upon as required by law, unless the proper accounting officer of the Treasury fails to act finally thereon within six months after the account is received in said office.

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of loss by capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible. (36 Stat. 1136.)

These were provisions of the Judicial Code, Act March 3, 1911, ch. 231, sec. 145, cited above.

Sec. 1395. (Act March 3, 1911, ch. 231, sec. 146.) Judgments of Court of Claims for set-off or counter claims.

Upon the trial of any cause in which any set-off, counterclaim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such court are enforced. (36 Stat. 1137.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 146, cited above.

Sec. 1396. (Act March 3, 1911, ch. 231, sec. 147.) Decrees of Court of Claims on accounts of disbursing officers.

Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed as a credit in the settlement of his accounts. (36 Stat. 1137.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 147, cited above.

Sec. 1397. (Act March 3, 1911, ch. 231, sec. 148.) Claims referred to Court of Claims by departments.

When any claim or matter is pending in any of the executive departments which involves controverted questions of fact or law, the head of such department may transmit the same, with the vouchers, papers, documents and proofs pertaining thereto, to the Court of Claims and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall report its findings to the department by which it was transmitted for its guidance and action: *Provided, however,* That if it shall have been transmitted with the consent of the claimant, or if it shall appear to the satisfaction of the court upon the facts established, that under existing laws or the provisions of this chapter it has jurisdiction to render judgment or decree thereon, it shall proceed to do so, in the latter case giving to

either party such further opportunity for hearing as in its judgment justice shall require, and shall report its findings therein to the department by which the same was referred to said court. The Secretary of the Treasury may, upon the certificate of any auditor, or of the Comptroller of the Treasury, direct any claim or matter, of which, by reason of the subject matter or character, the said court might under existing laws, take jurisdiction on the voluntary action of the claimant, to be transmitted, with all the vouchers, papers, documents and proofs pertaining thereto, to the said court for trial and adjudication. (36 Stat. 1137.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 148, cited above.

Sec. 1398. (Act March 3, 1911, ch. 231, sec. 149.) Procedure in cases transmitted to Court of Claims by departments.

All cases transmitted by the head of any department, or upon the certificate of any auditor, or of the Comptroller of the Treasury, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations. (36 Stat. 1138.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 149, cited above.

Sec. 1399. (Act March 3, 1911, ch. 231, sec. 150.) Judgments in cases transmitted to the Court of Claims by departments; payment.

The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court. (36 Stat. 1138.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 150, cited above.

Sec. 1400. (Act March 3, 1911, ch. 231, sec. 164.) Court of Claims empowered to call upon departments for information.

The said court shall have power to call upon any of the departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest. (36 Stat. 1140.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 164, cited above.

Sec. 1401. (Act March 3, 1911, ch. 231, sec. 172.) Claims pending in Court of Claims forfeited for fraud.

Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim or of any part of any claim against the United States shall, ipso facto, forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find

specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same. (36 Stat. 1141.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 172, cited above.

Sec. 1402. (Act March 3, 1911, ch. 231, sec. 178.) Payment of amounts due by judgment of Court of Claims to be a full discharge.

The payment of the amount due by any judgment of the Court of Claims, and of any interest thereon allowed by law, as provided by law, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy. (36 Stat. 1141.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 178, cited above.

Sec. 1403. (Act March 3, 1911, ch. 231, sec. 179.) Final judgment of Court of Claims to bar further claims or demands.

Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy. (36 Stat. 1141.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 179, cited above.

Sec. 1404. (Act March 3, 1911, ch. 231, sec. 180.) Debtors to the United States may have amount due ascertained by Court of Claims.

Whenever any person shall present his petition to the Court of Claims alleging that he is or has been indebted to the United States as an officer or agent thereof, or by virtue of any contract therewith, or that he is the guarantor, or surety, or personal representative of any officer or agent or contractor so indebted, or that he or the person for whom he is such surety, guarantor, or personal representative has held any office or agency under the United States, or entered into any contract therewith, under which it may be or has been claimed that an indebtedness to the United States had arisen and exists, and that he or the person he represents has applied to the proper department of the Government requesting that the account of such office, agency, or indebtedness may be adjusted and settled, and that three years have elapsed from the date of such application, and said account still remains unsettled and unadjusted, and that no suit upon the same has been brought by the United States, said court shall, due notice first being given to the head of said department and to the Attorney General of the United States, proceed to hear the parties and to ascertain the amount, if any, due the United States on said account. The Attorney General shall represent the United States at the hearing of said cause. The court may postpone the same from time to time whenever justice shall require. The judgment of said court or of the Supreme Court of the United States, to which an appeal shall lie, as in other cases, as to the amount due, shall be binding and conclusive upon the parties. The payment of such amount so found due by the court shall discharge such obligation. An action shall accrue to the United States against such principal, or surety, or representative to recover the amount so found

due, which may be brought at any time within three years after the final judgment of said court; and unless suit shall be brought within said time, such claim and the claim on the original indebtedness shall be forever barred. (36 Stat. 1141.)

These were provisions of a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 180, cited above.

Sec. 1405. (Act March 3, 1911, ch. 231, sec. 185.) Attorney General or assistants to appear for defense in cases in Court of Claims.

The Attorney-General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under the provisions of this chapter, with the same power to interpose counter claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is required to defend the United States in said court. (36 Stat. 1142.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 185, cited above.

CHAPTER 35.

PRINTING.

Sec. 1406. (Act March 2, 1895, ch. 189, sec. 1.) Public Printer to notify heads of departments of details of his estimates for printing and binding.

It shall be the duty of the Public Printer to submit to Congress at the beginning of its next regular session, estimates in detail under the head of Printing and binding for the service of the fiscal year eighteen hundred and ninety-seven and annually thereafter, covering appropriations requisite for all work to be done and services to be rendered under his direction by the provisions of the said Act and not previously required of him; and of the details of all such estimates, he shall notify the heads of the Executive Departments and other Government establishments affected thereby, within such time as will enable them to omit the amounts thereof from the estimates of appropriations which they are required to submit for the fiscal year eighteen hundred and ninety-seven. (28 Sta. 961.)

This was a provision of the sundry civil appropriation act for the fiscal year 1896, cited above.

The act referred to herein was Act January 12, 1895, ch. 23, 28 Stat. 601.

Sec. 1407. (Act January 12, 1895, ch. 23, sec. 31.) Department printing offices to be part of Government Printing Office; control and supervision of Public Printer; act not to apply to Weather Bureau printing office; requisitions for work.

All printing offices in the Departments now in operation, or hereafter put in operation, by law, shall be considered a part of the Government Printing Office, and shall be under the control of the Public Printer, who shall furnish all presses, types, imposing stones, and necessary machinery and material for said offices from the general supplies of the Government Printing Office; and all paper and material of every kind used in the said offices for departmental work, except letter and note paper and envelopes, shall be supplied by the Public Printer; and all persons employed in said printing offices and binderies shall be appointed by the Public Printer, and be carried on his pay roll the same as employees in the main office, and shall be responsible to him: *Provided*, That the terms of this Act shall not apply to the office in the Weather Bureau, or, to so much of the printing as is necessary to expedite the work of the Record and Pension Division of the War Department nor to the printing office now in operation in the Census Office; but the Public Printer, with the approval of the Joint Committee on Printing, may abolish any of these excepted offices whenever in their judgment the economy of the public service would be thereby advanced.

All work done in the said offices shall be ordered on blanks prepared for that purpose by the Public Printer, which shall be numbered consecutively, and must be signed by someone designated by

the head of the Department for which the work is to be done, who shall be held responsible for all work thus ordered, and who shall quarterly report to the head of the Department a classified statement of the work done and the cost thereof, which report shall be transmitted to the Public Printer in time for his annual report to Congress. The Public Printer shall show in detail, in his annual report, the cost of operating each departmental office. (28 Stat. 605.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1408. (Act July 19, 1919, ch. 24, sec. 3.) Transfer of printing, etc., equipment, etc., to Government Printing Office, authorized.

That any officer of the Government having machinery, material, equipment or supplies for printing, binding, and blank book work, including lithography, photolithography, and other processes of reproduction, which are no longer required or authorized for his service, shall submit a detailed report of the same to the Public Printer, and the Public Printer is hereby authorized, with the approval of the Joint Committee on Printing, to requisition such articles of the character herein described as are serviceable in the Government Printing Office, and the same shall be promptly delivered to that office. (41 Stat. 233.)

This was a provision of the sundry civil appropriation act for the fiscal year 1920, cited above.

The Joint Committee on Printing, mentioned in this provision, was provided for by Act January 12, 1895, ch. 23, sec. 1, 28 Stat. 601, and consists of three members each of the Senate and the House of Representatives.

Sec. 1409. (Act August 1, 1914, ch. 223, sec. 1.) Restriction on establishment of branches of Government Printing Office in departments.

No money appropriated by this or any other Act shall be used for maintaining more than one branch of the Government Printing Office in any one building occupied by any executive department or departments of the Government, nor shall any branch of the Government Printing Office be established hereafter unless specifically authorized by law. (38 Stat. 673.)

This was a provision of the sundry civil appropriation act for the fiscal year 1915, cited above.

Sec. 1409a. (Act February 20, 1923, ch. 98.) Restriction on paying Government Printing Office employees detailed to other executive branches.

No part of any money appropriated in this Act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in any other executive branch of the public service of the United States unless such detail be authorized by law. (42 Stat. 1279.)

This was a provision of the legislative appropriation act for the fiscal year 1924. It is a reenactment of provisions of appropriation acts for the nine preceding fiscal years.

No employee of the Government Printing Office may be detailed to duties not pertaining to the work of public printing and binding in any executive department unless expressly authorized by law, by Act June 25, 1910, ch. 384, sec. 1, *ante*, sec. 997.

Sec. 1410. (Act January 12, 1895, ch. 23, sec. 86.) No printing or binding unless authorized by law; style of binding for departments, etc.

No printing or binding shall be done at the Government Printing Office unless authorized by law. Binding for the Departments of the Government shall be done in plain sheep or cloth, except that record and account books may be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a Department: *Provided*, The libraries of the several Departments, the Library of Congress, the libraries of the Surgeon General's Office, the Patent Office, and the Naval Observatory may have books for the exclusive use of said libraries bound in half Turkey, or material no more expensive. (28 Stat. 622.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

This section superseded R. S. sec. 3785, which read as follows:

"No printing or binding which is not provided for by law shall be executed in the Government Printing Office."

It also superseded a provision of Act June 20, 1778, ch. 359, sec. 1, 20 Stat. 207, which provided that binding for any department should be done in plain sheep or cloth, except record and account books, which might be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a department.

Sec. 1411. (Act January 12, 1895, ch. 23, sec. 87.) Printing, binding, and blank books for departments.

All printing, binding, and blank books for the Senate or House of Representatives and for the Executive and Judicial Departments shall be done at the Government Printing Office, except in cases otherwise provided by law. (28 Stat. 622.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

This section is identical in language with R. S. sec. 3786.

All printing, binding, and blank-book work for every executive department, etc., shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District, by a provision of Act March 1, 1919, ch. 86, sec. 11, *post*, sec. 1415.

Sec. 1412. (Act January 12, 1895, ch. 23, sec. 94.) Restrictions on printing.

No head of any Executive Department, or of any bureau, branch, or office of the Government, shall cause to be printed, nor shall the Public Printer print, any document or matter except that which is authorized by law and necessary to the public business; and executive officers, before transmitting their annual reports, shall carefully examine the same and all accompanying documents, and exclude therefrom all matter, including engravings, maps, drawings, and illustrations, except such as they shall certify in their letters transmitting such reports are necessary and relate entirely to the transaction of the public business. (28 Stat. 623.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

This section superseded R. S. sec. 3788, which provided that no officer in charge of any bureau or office in any department should cause to be printed at the public expense any report he might make to the President,

or to the head of the department, except as provided for. It also superseded a paragraph of Act June 23, 1874, ch. 455, sec. 1, 18 Stat. 204, which provided that no expensive maps or illustrations should be printed without special order of Congress; also a paragraph of Act July 7, 1884, ch. 332, sec. 1, 23 Stat. 227, which contained provisions similar to those in this section.

Further restrictions on printing and binding were imposed by Acts March 3, 1905, ch. 1483, sec. 1, and ch. 1484, sec. 1, *post*, secs. 1413, 1414.

Sec. 1413. (Act March 3, 1905, ch. 1483, sec. 1.) Restrictions on use of appropriations made for printing and binding, for illustrations, etc.

That hereafter no part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same, nor in any document or report of any executive department or other Government establishment until the head of the executive department or Government establishment shall certify in a letter transmitting such report that the illustration is necessary and relates entirely to the transaction of public business. (33 Stat. 1213.)

This was a provision of the sundry civil appropriation act for the fiscal year 1906, cited above. A previous similar provision, but without the word "hereafter," and applicable only to the appropriations therein made, was contained in the similar act for the fiscal year 1904.

Previous restrictions on printing, engravings, etc., and illustrations were imposed by Act January 12, 1895, ch. 23, sec. 94, *ante*, sec. 1412.

Sec. 1414. (Act March 3, 1905, ch. 1484, sec. 1.) Restrictions on printing.

Hereafter no book or document not having to do with the ordinary business transactions of the Executive Departments shall be printed on the requisition of any Executive Department or unless the same shall have been expressly authorized by Congress. (33 Stat. 1249.)

This was a paragraph of the deficiency appropriation act for the fiscal year 1905, cited above.

A previous provision prohibiting the printing of any document, etc., except that authorized by law, was made by Act January 12, 1895, ch. 23, sec. 94, *ante*, sec. 1412.

Sec. 1415. (Act March 1, 1919, ch. 86, sec. 11.) Joint Committee on Printing empowered to adopt measures to prevent delay, waste, etc., in Government publications; publications without specific authority of Congress forbidden; all printing, binding, etc., to be done at Government Printing Office; exception.

That the Joint Committee on Printing shall have power to adopt and employ such measures as, in its discretion, may be deemed necessary to remedy any neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications: *Provided*, That hereafter no journal, magazine, periodical, or other similar publication, shall be printed and issued by any branch or officer of the Government service unless the same shall have been specifically authorized by Congress, but such publications as are now being printed without specific authority from Congress may, in the discretion of the Joint Committee on Printing, be continued until the close of the next regular session of Congress, when, if authority for their continuance is not then granted by Congress, they shall not thereafter be printed: *Provided further*, That on and after July 1, 1919, all printing, binding, and blank-book work for Congress, the Executive Office, the judiciary, and every executive

department, independent office, and establishment of the Government, shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District. (40 Stat. 1270.)

This was a section of the legislative, executive, and judicial appropriation act for the fiscal year 1920, cited above.

The Joint Committee on Printing, mentioned in this section, is provided for by Act January 12, 1895, ch. 23, sec. 1, 28 Stat. 601, and consists of three members each of the Senate and the House of Representatives.

Sec. 1416. (Act June 5, 1920, ch. 235, sec. 4.) Continuance of publications by departments until June 30, 1921; discontinuance thereafter unless specifically authorized.

Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until June 30, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued. (41 Stat. 945.)

This was a section of the sundry civil appropriation act for the fiscal year 1921, cited above.

Sec. 1417. (Act January 12, 1895, ch. 23, sec. 89.) No printing in excess of appropriation or without requisition of head of department.

No printing shall be done for the Executive Departments in any fiscal year in excess of the amount of the appropriation, and none shall be done without a special requisition, signed by the chief of the Department and filed with the Public Printer. (28 Stat. 622.)

This was a provision of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

This provision superseded that part of R. S. sec. 3802, which prohibited the execution of any printing or binding for departments in excess of the appropriation.

Sec. 1418. (Act January 12, 1895, ch. 23, sec. 89.) Limitation on number of copies of reports; etc., printed; annual reports of heads of departments; reports of chiefs of bureaus.

No report, publication, or document shall be printed in excess of the number of one thousand of each in any one fiscal year without authorization therefor by Congress, except that of the annual report of the head of the Department without appendices there may be printed in any one fiscal year not to exceed five thousand copies, bound in pamphlet form; and of the reports of chiefs of bureaus without appendices there may be printed in any one fiscal year not to exceed two thousand five hundred copies, bound in pamphlet form. (28 Stat. 622.)

These were provisions of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

The Secretary of Agriculture may print such numbers of copies of the monthly crop report, and of other reports and bulletins not exceeding 100 octavo pages, as he shall deem requisite, and also maps, charts, bulletins, and reports of the Weather Bureau, which may be printed in such numbers as the Secretary of Agriculture may deem for the best interests of the Government, by a proviso annexed to these provisions, *ante*, sec. 118.

These provisions superseded a provision of Act June 23, 1874, ch. 455, sec. 1, 18 Stat. 204, that the Congressional Printer should print, upon the order of the heads of the executive departments, respectively, only such limited number of the annual reports of such departments, and necessary accompanying reports of subordinates, as should be necessary for the use of Congress.

Sec. 1419. (Act January 12, 1895, ch. 23, sec. 89.) Heads of Departments to direct whether reports of bureau and division chiefs be printed.

Heads of Executive Departments shall direct whether reports made to them by bureau chiefs and chiefs of divisions shall be printed or not. (28 Stat. 623.)

This was a provision of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

A previous provision in the same words was made by Act August 5, 1892, ch. 380, sec. 1, 27 Stat. 388.

Limitation on the number of copies of reports of bureau chiefs is prescribed by a preceding provision of this section of this act, *ante*, sec. 1418.

Sec. 1420. (Act January 12, 1895, ch. 23, sec. 93.) Printing and binding for departments; certificate that work is necessary; estimate of cost; requisitions; cost to be placed to debit of appropriation.

When any Department, the Supreme Court, the Court of Claims, or the Library of Congress shall require printing or binding to be done, it shall be on certificate that such work be necessary for the public service; whereupon the Public Printer shall furnish an estimate of the cost by the principal items for such printing or binding so called for, after which requisitions shall be made upon him therefor by the head of such Department, the Clerk of the Supreme Court, Chief Justice of the Court of Claims, or the Librarian of Congress; and the Public Printer shall place the cost thereof to the debit of such Department in its annual appropriation for printing and binding. (28 Stat. 623.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

This section superseded R. S. sec. 3789, which provided that no printing or binding should be done, or blank books furnished, for any of the executive departments, except on a written requisition by the head of such department, or one of his assistants; also that part of R. S. sec. 3802, which provided that whenever Congress made an appropriation for any department or public office, it be expended "for printing and binding to be executed under the direction of the Congressional Printer," such printer should open an account with the department or office, and charge thereon all printing and binding ordered. The section further superseded that part of Act June 20, 1878, ch. 359, sec. 1, 20 Stat. 206, which provided that, whenever any department should require printing to be done, the Public Printer should furnish to such department an estimate of the cost, by the principal items, for said printing, and place to the debit of such department the cost of the same, on certification of the head of the department that such printing was necessary.

Sec. 1421. (Act January 12, 1895, ch. 23, sec. 80.) Illustrations and maps in documents and reports; orders for printing to be acted on within one year.

No document or report to be illustrated or accompanied by maps shall be printed by the Public Printer until the illustrations or maps designed therefor shall be ready for publication; and no order for public printing shall be acted upon by the Public Printer after the expiration of one year, unless the entire copy and illustrations for the work shall have been furnished within that period: *Provided*,

This section shall not apply to orders heretofore made for the printing of a series of volumes on one subject. (28 Stat. 621.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1422. (Res. March 30, 1906, No. 13.) Appropriations chargeable with cost of printing and binding, etc., for executive departments; estimates of cost of publications required by law, and application of appropriations thereto.

That hereafter, in the printing and binding of documents or reports emanating from the Executive Departments, bureaus, and independent offices of the Government, the cost of which is now charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the Executive Departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the Department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the Executive Department, bureau, or independent office of the Government, in proportion to the number delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the Executive Departments, bureaus, and independent offices of the Government, if such there be, shall be charged as heretofore: *Provided*, That on or before the first day of December in each fiscal year each Executive Department, bureau, or independent office of the Government to which an appropriation or allotment of appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such Department, bureau, or independent office now required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of appropriation of the Department, bureau, or independent office of the Government in which such publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such documents and reports shall have been fully paid. (34 Stat. 825.)

This was a resolution entitled "Joint resolution to correct abuses in the public printing and to provide for the allotment of cost of certain documents and reports," cited above.

Sec. 1423. (Act January 12, 1895, ch. 23, sec. 51.) Form and style of work of departments.

The forms and style in which the printing or binding ordered by any of the Departments shall be executed, and the material and the size of type to be used, shall be determined by the Public Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed. (28 Stat. 608.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

This section superseded R. S. sec. 3790, which was similar in language.

Sec. 1424. (Act January 12, 1895, ch. 23, sec. 91.) Annual reports of executive departments to be printed in same type and form as accompanying reports of heads of departments.

The annual reports of executive officers shall be printed in the same type and form as the report of the head of the Department which it accompanies, unless otherwise ordered by the Joint Committee on Printing. (28 Stat. 623.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

The Joint Committee on Printing mentioned in this section, is provided for by section 1 of this act, 28 Stat. 601, and consists of three members each of the Senate and the House of Representatives.

Sec. 1425. (Res. March 30, 1906, No. 14.) Printing of public documents, etc., for Congress, in two or more editions; requisition on Public Printer therefor; printing of full number and allotment of full quota not to be obstructed.

That the Joint Committee on Printing is hereby authorized and directed to establish rules and regulations, from time to time, which shall be observed by the Public Printer, whereby public documents and reports printed for Congress, or either House thereof, may be printed in two or more editions, instead of one, to meet the public requirements: *Provided*, That in no case shall the aggregate of said editions exceed the number of copies now authorized or which may hereafter be authorized: *And provided further*, That the number of copies of any public document or report now authorized to be printed or which may hereafter be authorized to be printed for any of the Executive Departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such Department or independent office, but in no case shall the aggregate of said editions exceed the number of copies now authorized, or which may hereafter be authorized: *Provided further*, That nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as now authorized, or which may hereafter be authorized, when a legitimate demand for the full complement is known to exist. (34 Stat. 826.)

This was a resolution entitled "Joint resolution to prevent unnecessary printing and binding and to correct evils in the present method of distribution of public documents," cited above.

Sec. 1426. (Act January 12, 1895, ch. 23, sec. 2, as amended by Act March 1, 1907, ch. 2284, sec. 1, par. 6.) Departments submitting reports or documents in response to inquiries from Congress, to submit estimates of cost of printing.

Either House may order the printing of a document not already provided for by existing law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any Executive Department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing to the usual number. Nothing in this paragraph relating to estimates shall apply to re-

ports or documents not exceeding fifty pages. (28 Stat. 601, 34 Stat. 1012.)

This was a paragraph added to section 2 of Act January 12, 1895, ch. 23, cited above, by amendment by Act March 1, 1907, ch. 2284, sec. 1, also cited above.

Sec. 1427. (Res. March 28, 1904, No. 11.) Reprinting public documents required for sale; approval of heads of Department.

That there shall be printed three thousand copies of the Special Report on Diseases of the Horse and fifteen hundred copies of the Special Report on the Diseases of Cattle, for sale by the superintendent of documents under the provisions of section sixty-one of an Act providing for the public printing, binding, and the distribution of documents, approved January twelfth, eighteen hundred and ninety-five; and the superintendent of documents is hereby authorized to order reprinted, from time to time, such public documents as may be required for sale, such order for reprinting to be subject to the approval of the Secretary or head of the Department in which such public document shall have originated: *Provided*, That the appropriation for printing and binding shall be reimbursed for the cost of such reprints from the moneys received by the superintendent of documents from the sale of public documents. (33 Stat. 584.)

This was a resolution entitled "Joint resolution authorizing the reprinting of certain documents to be sold by the superintendent of documents," cited above.

Section 61 of Act January 12, 1895, ch. 23, mentioned in this resolution, providing for the appointment of the Superintendent of Documents and the sale of public documents by him, is set forth *post*, sec. 1438.

Sec. 1428. (Act June 28, 1902, ch. 1301, sec. 1.) Supplies for executive departments to be furnished by Public Printer.

The Public Printer is authorized hereafter to procure and supply, on the requisition of the head of any Executive Department or other Government establishment, complete manifold blanks, books, and forms, required in duplicating processes; also complete patented devices with which to file money-order statements, or other uniform official papers, and to charge such supplies to the allotment for printing and binding of the Department or Government establishment requiring the same. (32 Stat. 481.)

This was a paragraph of the sundry civil appropriation act for the fiscal year 1903, cited above.

CHAPTER 36.

DOCUMENTS AND RECORDS.

Sec. 1433. (Act January 12, 1895, ch. 23, sec. 92.) Departmental distribution of publications.

Government publications printed for or received by the Executive Departments, whether for official use or for distribution, shall be distributed by a competent person detailed to such duty in each Department by the head thereof. He shall keep an account in detail of all publications received and distributed by him. He shall prevent duplication, and make detailed report to the head of the Department, who shall transmit the same annually to Congress. (28 Stat. 623.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

The provisions of this section were in a great measure superseded by the transfer of work of distribution of publications from the executive departments to the Government Printing Office, by Act August 23, 1912, ch. 350, sec. 8, *post*, sec. 1434.

Sec. 1434. (Act August 23, 1912, ch. 350, sec. 8.) Distribution of publications, except maps, weather reports, and weather cards, to be done by Public Printer; transfer of equipment; heads of departments, etc., to furnish mailing lists, etc.; employees of other departments not to be used; department orders, etc., excepted.

That no money appropriated by this or any other Act shall be used after the first day of October, nineteen hundred and twelve, for services in any executive department or other Government establishment at Washington, District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, District of Columbia, or for the purchase of material or supplies to be used in such work; and on and after October first, nineteen hundred and twelve, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October first, nineteen hundred and twelve, each executive department and other Government establishment at Washington, District of Columbia, shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of

the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, District of Columbia, wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the first day of October, nineteen hundred and twelve, and their salaries or compensation shall lapse for the remainder of the fiscal year nineteen hundred and thirteen and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, District of Columbia, in the annual estimates of appropriations: *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and document rooms of the Senate or House of Representatives. (37 Stat. 414.)

These were provisions of the legislative, executive, and judicial appropriation act for the fiscal year 1913, cited above.

All printing offices in the departments were consolidated with the Government Printing Office, with the exception of the office in the Weather Bureau, by Act January 12, 1895, ch. 23, sec. 31, *ante*, sec. 1407.

This section in a great measure superseded provisions for the departmental distribution of documents, contained in Act January 12, 1895, ch. 23, sec. 92, *ante*, sec. 1433.

Sec. 1435. (Act January 12, 1895, ch. 23, sec. 73.) Publications distributed not to contain notice of "compliments."

No report, document, or publication of any kind distributed by or from an Executive Department or bureau of the Government shall contain any notice that the same is sent with "the compliments" of an officer of the Government, or with any special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt may be given. (28 Stat. 620.)

This was a paragraph of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

This paragraph superseded a similar paragraph of Act March 3, 1893, ch. 208, sec. 1, 27 Stat. 612.

Sec. 1436. (Act January 12, 1895, ch. 23, sec. 58.) Distribution of department publications.

Whenever printing not bearing a Congressional number shall be done for any department or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character, or shall be done for use of Congressional committees, not of a confidential character, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House Libraries, respectively, and one copy each to the document rooms of the Senate and House, for reference; and these copies shall not be removed; and of all publications of the Executive Departments not intended for their especial use, but made for distribution, five hun-

dred copies shall be at once delivered to the superintendent of documents for distribution to designated depositories and State and Territorial libraries. (28 Stat. 610.)

This was a section of an act entitled "An act providing for the public printing and binding and distribution of public documents," cited above.

Sec. 1437. (Res. March 2, 1901, No. 6, sec. 3.) Publications by departments, etc., printed elsewhere than at Government Printing Office to be supplied Library of Congress.

That of any publication printed at the Government expense by direction of any Department, commission, bureau, or officer of the Government elsewhere than at the Government Printing Office there shall be supplied to the Library of Congress for its own use and for international exchange sixty-two copies, except as such number shall be enlarged to not exceeding one hundred copies by request of the Joint Committee on the Library. (31 Stat. 1465.)

This was a section of a resolution entitled "Joint resolution to regulate the distribution of public documents to the Library of Congress for its own use and for international exchange," cited above.

Sec. 1438. (Act January 12, 1895, ch. 23, sec. 61.) Sale of public documents by Superintendent of Documents; Government agents authorized to turn over documents for sale; Public Printer to supervise distribution and have custody of all documents subject to distribution except those printed for executive departments.

The Public Printer shall appoint a competent person to act as superintendent of documents, and shall fix his salary. The superintendent of documents so designated and appointed is hereby authorized to sell at cost any public document in his charge, the distribution of which is not herein specifically directed, said cost to be estimated by the Public Printer and based upon printing from stereotyped plates; but only one copy of any document shall be sold to the same person, excepting libraries or schools by which additional copies are desired for separate departments thereof, and members of Congress; and whenever any officer of the Government having in his charge documents published for sale shall desire to be relieved of the same, he is hereby authorized to turn them over to the superintendent of documents, who shall receive and sell them under the provisions of this section. All moneys received from the sale of documents shall be returned to the Public Printer on the first day of each month and be by him covered into the Treasury monthly, and the superintendent of documents shall report annually the number of copies of each and every document sold by him, and the price of the same. He shall also report monthly to the Public Printer the number of documents received by him and the disposition made of the same. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the Executive Departments, which shall be delivered to said Departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their order by the superintendents of the folding rooms of the Senate and House of Representatives. (28 Stat. 610.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1439. (Act January 12, 1895, ch. 23, sec. 62.) Index of public documents; delivery by heads of departments, etc., to Superintendent of Documents of copy of each department document.

The superintendent of documents shall, at the close of each regular session of Congress, prepare and publish a comprehensive index of public documents, beginning with the Fifty-third Congress, upon such plan as shall be approved by the Joint Committee on Printing; and the Public Printer shall, immediately upon its publication, deliver to him a copy of each and every document printed by the Government Printing Office; and the head of each of the Executive Departments, bureaus, and offices of the Government shall deliver to him a copy of each and every document issued or published by such Department, bureau, or office not confidential in its character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on Printing shall direct. Of the comprehensive index and of the consolidated index two thousand copies each shall be printed and bound in addition to the usual number, two hundred copies for the use of the Senate, eight hundred copies for the use of the House, and one thousand copies for distribution by the superintendent of documents. (28 Stat. 610.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1440. (Act January 12, 1895, ch. 23, sec. 69.) Catalogue of Government publications.

A catalogue of Government publications shall be prepared by the superintendent of documents on the first day of each month, which shall show the documents printed during the preceding month, where obtainable, and the price thereof. Two thousand copies of such catalogue shall be printed in pamphlet form for distribution. (28 Stat. 612.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1441. (Act January 12, 1895, ch. 23, sec. 67.) Delivery of documents in charge of departments, etc., to Superintendent of Documents.

All documents at present remaining in charge of the several Executive Departments, bureaus, and offices of the Government not required for official use shall be delivered to the superintendent of documents, and hereafter all public documents accumulating in said Departments, bureaus, and offices not needed for official use shall be annually turned over to the superintendent of documents for distribution or sale. (28 Stat. 611.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

This section superseded Res. March 3, 1887, No. 13, 24 Stat. 647, which authorized the Secretary of the Interior to sell at cost price any public documents not required for official use.

Sec. 1442. (Act January 12, 1895, ch. 23, sec. 95.) Exchange of surplus documents for other documents and books required.

Heads of Departments are authorized to exchange surplus documents for such other documents and books as may be required by

them, when the same can be done to the advantage of the public service. (28 Stat. 623.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1443. (Act February 25, 1903, ch. 755, sec. 1.) Transfer to Library of Congress of books, etc., not needed for use of executive departments, etc.

The head of any Executive department or bureau or any commission of the Government is hereby authorized from time to time to turn over to the Librarian of Congress, for the use of the Library of Congress, any books, maps, or other material in the library of the department, bureau, or commission no longer needed for its use, and in the judgment of the Librarian of Congress appropriate to the uses of the Library of Congress. (32 Stat. 865.)

This was a paragraph of the legislative, executive, and judicial appropriation act for the fiscal year 1904, cited above.

By a further provision of this act, *post*, sec. 1444, any books of miscellaneous character not required by any executive department and not deemed an advisable addition to the Library of Congress may be turned over to the Free Public Library of the District of Columbia.

Sec. 1444. (Act February 25, 1903, ch. 755, sec. 1.) Transfer to public library of District of Columbia of miscellaneous books not required by executive departments, etc.

Any books of a miscellaneous character no longer required for the use of such department, bureau, or commission, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, be turned over to that library for general use as a part thereof. (32 Stat. 865.)

This was a paragraph of the legislative, executive, and judicial appropriation act for the fiscal year 1904, cited above. It followed a paragraph, set forth, *ante*, sec. 1443, which authorized the head of any executive department or bureau to turn over to the Librarian of Congress any books, etc., in the library of the department or bureau no longer needed for its use.

Sec. 1445. (Act January 12, 1895, ch. 23, sec. 98.) Libraries of executive departments constituted depositories of Government publications.

The libraries of the eight Executive Departments, of the United States Military Academy, and the United States Naval Academy are hereby constituted designated depositories of Government publications, and the superintendent of documents shall supply one copy of said publications, in the same form as supplied to other depositories, to each of said libraries. (28 Stat. 624.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

To the seven executive departments enumerated in R. S. sec. 158, the Department of Agriculture was added as the eighth, by Act February 9, 1889, ch. 122, sec. 1, *ante*, sec. 2.

Sec. 1446. (Res. August 3, 1882, No. 63.) Decisions of the Comptroller of the Treasury; number of copies for Department of Agriculture.

That the Public Printer be, and is, required to print not more than one volume each year of the decisions and opinions of the First Comptroller of the Treasury Department, with such explanatory matter as he may furnish, and to furnish for the use of each Senator.

Representative, and Delegate in Congress ten copies thereof, to the Comptroller two thousand copies, and for distribution in the manner provided in section seven of the act of June twentieth, eighteen hundred and seventy-four (eighteenth Statutes at Large, page one hundred and thirteen), providing for the publication of the statutes, one-half the number therein mentioned. (22 Stat. 391.)

This was a resolution entitled "Joint resolution requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department," cited above.

Portions of the resolution, omitted here, consist of enumeration of officers, departments, establishments, etc., in branches of the Government, with the number of copies allotted to each, respectively.

Section 7 of Act June 20, 1874, ch. 333, sec. 7, 18 Stat. 113, required the Secretary of State to have edited, printed, and bound a sufficient number of the volumes of the Statutes at Large to distribute specified numbers to various officers, departments, and establishments of the Government enumerated therein, including "to the Department of Agriculture, five copies." Said section was superseded by a paragraph of Act January 12, 1895, ch. 23, sec. 73, *ante*, sec. 72, which contained a paragraph providing for the editing, printing, binding, and distribution of the Statutes at Large, and in which the allotment to the Department of Agriculture was increased to "fifty copies."

The office of the First Comptroller of the Treasury was changed to Comptroller of the Treasury by Act July 31, 1894, ch. 174, sec. 4, 28 Stat. 205, and the office of the Comptroller of the Treasury was abolished and the powers and duties thereof were transferred to the General Accounting Office which was created an independent establishment of the Government under the Comptroller General, by provisions of Act June 10, 1921, ch. 18, secs. 301, 302, 304, secs. 1197-1199, *ante*.

Sec. 1447. (Act January 12, 1895, ch. 23, sec. 73.) Revised Statutes and Supplements to the Revised Statutes; distribution.

The Secretary of State shall cause to be printed and bound at the Government Printing Office as many volumes of the Revised Statutes of the United States, and the Supplement to the Revised Statutes of the United States, volume one, second edition, eighteen hundred and seventy-four to eighteen hundred and ninety-one, authorized under the Act of April ninth, eighteen hundred and ninety, as may be needed for distribution to designated depositories, State and Territorial libraries and to United States courts not already supplied, and for sale by his office at the cost thereof. (28 Stat. 614.)

This was a paragraph of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

The publication and distribution of the Revised Statutes of the United States were provided for by Act June 20, 1874, ch. 333, secs. 1-4, 18 Stat. 113.

The preparation and publication of the second edition of the Revised Statutes were authorized by Act March 2, 1877, ch. 82, 19 Stat. 268, as amended by Act March 9, 1878, ch. 26, 20 Stat. 27.

Further provisions for the distribution of the second edition of the Revised Statutes were made by Res. May 22, 1878, No. 22, 20 Stat. 251, whereby there was allotted "to the Department of Agriculture, five copies." The preparation, publication, and distribution of the first edition of the Supplement to the Revised Statutes were authorized by Resolution, June 7, 1880, No. 44, 21 Stat. 308. The publication and distribution of the second edition of the Supplement was authorized by Act April 9, 1890, ch. 73, sec. 2, 26 Stat. 50, which provided "that a sufficient number of copies be printed and bound for distribution, and to be distributed, to members of Congress for themselves, and for distribution by them, to the departments, libraries, public officers, and others, the same number to each as heretofore provided by Congress for the distribution of the Revised Statutes of the United States, * * * and such additional copies on the order of the

Secretary of State as may be necessary from time to time to supply deficiencies and offices newly created." Continuation of the publication of the Supplement to the Revised Statutes was required by Act February 27, 1893, ch. 167, sec. 1, 27 Stat. 47.

Nothing in this act was to prevent the stereotyping, printing, and distribution of the Supplement to the Revised Statutes as authorized by Act February 27, 1893, ch. 167, 27 Stat. 477, by Act March 2, 1895, ch. 189, sec. 1, 28 Stat. 961.

Sec. 1448. (Act March 4, 1907, ch. 2919, sec. 1.) Index to Statutes at Large; distribution.

The Public Printer shall cause the new index to the Statutes at Large, now being prepared in accordance with the plan approved by the Judiciary Committees of both Houses of Congress, to be printed, bound and distributed in the manner now provided by law for the printing, binding and distribution of the United States Statutes at Large. (34 Stat. 1398.)

This was a provision of the deficiency appropriation act for the fiscal year 1907, cited above.

Provisions for the printing and binding of the Statutes at Large, and the distribution of copies of the volumes, including an allotment "to the Department of Agriculture, fifty copies," contained in Act January 12, 1895, ch. 23, sec. 73, are set forth *ante*, sec. 72.

Sec. 1449. (Act March 3, 1911, ch. 231, sec. 143.) Court of Claims reports; copies for departments, etc.

On the first day of every regular session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. At the end of every term of the court he shall transmit a copy of its decisions to the heads of departments; to the Solicitor, the Comptroller, and the Auditors of the Treasury; to the Commissioner of the General Land Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States. (36 Stat. 1136.)

This was a section of the Judicial Code, Act March 3, 1911, ch. 231, sec. 143, cited above, incorporating therein the provisions of Revised Statutes, section 1057.

Sec. 1450. (Act January 12, 1895, ch. 23, sec. 73.) Congressional Directory; distribution to heads of departments.

There shall be prepared under the direction of the Joint Committee on Printing a Congressional Directory, of which there shall be three editions during each long session and two editions during each short session of Congress. The first edition shall be distributed to Senators, Representatives, Delegates, the principal officers of Congress, and heads of Departments on the first day of the session, and shall be ready for distribution to others within one week thereafter. The number and distribution of such Directory shall be under the control of the Joint Committee on Printing. (28 Stat. 617.)

This was a provision of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1451. (Act February 12, 1895, ch. 23, sec. 73.) Congressional Record; number of copies to departments.

The Public Printer shall furnish the Congressional Record as follows and shall furnish gratuitously no others in addition thereto:
 * * * To the library of each of the eight Executive Departments,
 * * * one bound copy. * * * (28 Stat. 617.)

This was a provision of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above. The portions of this section, omitted here, consisted of an enumeration of officers and establishments of the Government, with the number of copies allotted to each, respectively.

Sec. 1452. (Act January 12, 1895, ch. 23, sec. 73.) Data for the Official Register; number of copies for the Department of Agriculture.

To enable the officer charged with the duty of preparing the Official Register of the United States to publish the same, the Secretary of the Senate, the Clerk of the House of Representatives, the head of each Executive Department of the Government, and the chief of each and every bureau, office, commission, or institution not embraced in an Executive Department, in connection with which salaries are paid from the Treasury of the United States, shall, on the first day of July in each year in which a new Congress is to assemble, cause to be filed with the Secretary of the Interior a full and complete list of all officers, agents, clerks, and other employees of said Department, bureau, office, commission, or institution connected with the legislative, executive, or judicial service of the Government, or paid from the United States Treasury, including military and naval officers of the United States, cadets, and midshipmen.

Said lists shall exhibit the salary, compensation, and emoluments allowed to each of said officers, agents, clerks, and other employees, the State or country in which he was born, the State or Territory and Congressional district and county of which he is a resident and from which he was appointed to office, and where employed.

* * * * *

The Secretary of the Interior shall cause the Official Register to be edited, indexed, and published by the chief clerk of the Interior Department, on the first day of December following the first day of July above mentioned.

Of the Official Register three thousand copies shall be printed and bound, which shall be distributed as follows: * * * to the Department of Agriculture, fifteen copies. (28 Stat. 618.)

These were provisions of an act entitled "An Act providing for the public printing and binding and the distribution of public documents," cited above.

The third and fourth paragraphs, omitted here, related, respectively, to ships and vessels belonging to the United States, and to allowances on contracts by the Postmaster General. Portions of the last paragraph, also omitted, specify the number of copies of the Official Register to be distributed to officers, other departments, etc., of the government.

The last paragraph superseded R. S. sec. 511, which provided for the distribution of the Biennial Register. It also superseded R. S. sec. 3800, which provided for the printing and binding of 750 copies of the Biennial Register; Act December 15, 1877, ch. 4, 20 Stat. 13, which provided for 2,500 copies of the distribution "to the Department of Agriculture, five copies;" and Act June 16, 1880, ch. 235, sec. 1, 21 Stat. 275, which changed the day upon which the lists of the Biennial Register should be made up from "the last day of June" to "the first day of July."

The Director of the Census was required to edit, index, and publish the Official Register, and the provisions imposing that duty upon the Department of the Interior were repealed, and the data to be included therein were to be transmitted to the Director of the Census instead of the Secretary of the Interior, by a provision of Act March 6, 1902, ch. 139, sec. 7, as amended by Act June 7, 1906, ch. 3048, *post*, sec. 1453.

Sec. 1453. (Act March 6, 1902, ch. 139, sec. 7, as amended by Act June 7, 1906, ch. 3048.) Data for Official Register to be transmitted to Director of Census.

The Director of the Census shall edit, index, and publish the Official Register of the United States, and the provisions of existing law imposing that duty upon the Department of the Interior are hereby repealed, and the data to be included in the Official Register, which is now required to be transmitted to the Secretary of the Interior, shall hereafter be transmitted to the Director of the Census. (32 Stat. 32; 34 Stat. 218.)

This was a provision added to section 7 of Act March 6, 1902, ch. 139, sec. 7, cited above, by amendment of said section by Act June 7, 1906, ch. 3048, also cited above.

The provisions imposing on the Secretary of the Interior the duty of causing the Official Register to be edited, indexed, and published by the chief clerk of the Interior Department, mentioned herein and superseded hereby, were made by Act January 12, 1895, ch. 23, sec. 73, *ante*, sec. 1452.

Sec. 1454. (Act January 12, 1895, ch. 23, sec. 90.) Departments to order publications required; limit; bills and resolutions for departments.

The heads of Executive Departments, and such executive officers as are not connected with the Departments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other publications of interest to their Departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use, not to exceed, however, the number of bureaus in the Department and divisions in the office of the head thereof. The Public Printer shall send to each Executive Department and to each executive office not connected with the Departments, as soon as printed, five copies of all bills and resolutions, except the State Department, to which shall be sent ten copies of bills and resolutions. When the head of a Department desires a greater number of any class of bills or resolutions for official use, they shall be furnished by the Public Printer on requisition promptly made. (28 Stat. 623.)

These were provisions of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1455. (Act January 12, 1895, ch. 23, sec. 76.) Coast and Geodetic Survey charts; free distribution to departments and officers.

The charts published by the Coast and Geodetic Survey shall be sold at cost of paper and printing as nearly as practicable; and there shall be no free distribution of such charts except to the Departments and officers of the United States requiring them for public use. (28 Stat. 621.)

This was a provision of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1456. (Res. February 18, 1897, No. 13, sec. 1.) Topographic and geologic maps and atlases by Geological Survey; distribution to departments.

That the Director of the Geological Survey be, and is hereby, authorized and directed, on the approval of the Secretary of the Interior, to dispose of the topographic and geologic maps and atlases of the United States, made and published by the Geological Survey, at such prices and under such regulations as may from time to time be fixed by him and approved by the Secretary of the Interior; and that a number of copies of each map or atlas, not exceeding five hundred, shall be distributed gratuitously among foreign governments and Departments of our own Government, to literary and scientific associations, and to such educational institutions or libraries as may be designated by the Director of the Survey and approved by the Secretary of the Interior. (29 Stat. 701.)

This was a section of a resolution entitled "Joint resolution providing for the distribution of the maps and atlases of the Geological Survey," cited above.

Sec. 1457. (Act January 12, 1895, ch. 23, sec. 74.) Ownership of publications furnished officers for official use; free use of publications in depositories.

Government publications furnished to judicial and executive officers of the United States for their official use shall not become the property of these officers, but on the expiration of their official term shall be by them delivered to their successors in office and all Government publications delivered to designated depositories or other libraries shall be for public use without charge. (28 Stat. 620.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

Sec. 1458. (Act June 19, 1878, ch. 317.) Stealing, etc., or destroying, etc., books, etc., in public libraries in the District of Columbia.

That any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof, belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property of the United States or of any individual or corporation in said District, or who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than ten dollars nor more than one thousand dollars, and by imprisonment for not less than one nor more than twelve months, or both, for every such offense. (20 Stat. 171.)

This was an act entitled "An act to protect public libraries in the District of Columbia, and for other purposes," cited above.

Sec. 1459. (Act March 4, 1909, ch. 321, sec. 128.) Removing, etc., destroying, etc., public records.

Whoever shall wilfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate,

obliterate, or destroy, or, with intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both. (35 Stat. 1111.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5408, which said section is expressly repealed by section 341 of said Code.

Sec. 1460. (Act March 4, 1909, ch. 321, sec. 129.) Removing, etc., destroying, etc., records by officer in charge; punishment.

Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in the preceding section, shall wilfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States. (35 Stat. 1112.)

This was a section of the Criminal Code, cited above, incorporating therein the provisions of R. S. sec. 5408, which said section is expressly repealed by section 341 of said Code.

Sec. 1461. (Act January 12, 1895, ch. 23, sec. 52.) No copyright on Government publications.

The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition, the metal and making to the Government and ten per centum added: *Provided*, That the full amount of the price shall be paid when the order is filed: *And provided further*, That no publication reprinted from such stereotype or electrotype plates and no other Government publication shall be copyrighted. (28 Stat. 608.)

This was a section of an act entitled "An act providing for the public printing and binding and the distribution of public documents," cited above.

No copyright shall subsist in any publication of the United States Government, by a provision of the Act of March 4, 1909, ch. 320, sec. 7, *post*, sec. 1462.

Sec. 1462. (Act March 4, 1909, ch. 320, sec. 7.) Copyright not to subsist in works in public domain or in Government publications; effect of publication by Government of copyrighted material.

That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this Act and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however*, That the publication or republication by the Government, either separately or in a

public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor. (35 Stat. 1077.)

This was a section of an act entitled "An act to amend and consolidate the acts respecting copyright," cited above.

No Government publication shall be copyrighted, by a provision of Act January 12, 1895, ch. 23, sec. 52, *ante*, sec. 1461.

Sec. 1463. (R. S. sec. 832.) Copies of department records as evidence.

Copies of any books, records, papers, or documents in any of the Executive Departments, authenticated under the seals of such Departments, respectively, shall be admitted in evidence equally with the originals thereof.

Act September 15, 1789, ch. 14, sec. 5, 1 Stat. 69. Act February 22, 1849, ch. 61, sec. 3, 9 Stat. 347. Act May 31, 1854, ch. 60, sec. 2, 10 Stat. 297.

Sec. 1464. (Act February 16, 1889, ch. 171.) Disposition of useless papers in departments.

That whenever there shall be in any one of the Executive Departments of the Government an accumulation of files of papers, which are not needed or useful in the transaction of the current business of such Department and have no permanent value or historical interest, it shall be the duty of the head of such Department to submit to Congress a report of that fact, accompanied by a concise statement of the condition and character of such papers. And upon the submission of such report, it shall be the duty of the presiding officer of the Senate to appoint two Senators, and of the Speaker of the House of Representatives to appoint two Representatives, and the Senators and Representatives so appointed shall constitute a joint committee, to which shall be referred such report, with the accompanying statement of the condition and character of such papers, and such joint committee shall meet and examine such report and statement and the papers therein described, and submit to the Senate and House, respectively, a report of such examination and their recommendation. And if they report that such files of papers, or any part thereof, are not needed or useful in the transaction of the current business of such Department, and have no permanent value or historical interest, then it shall be the duty of such head of the Department to sell as waste paper, or otherwise dispose of such files of papers upon the best obtainable terms after due publication of notice inviting proposals therefor, and receive and pay the proceeds thereof into the Treasury of the United States, and make report thereof to Congress. (25 Stat. 672.)

This was an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," cited above.

This act was amended by provisions of Act March 2, 1895, ch. 189, *post*, sec. 1465.

The Secretary of Agriculture was authorized to sell as waste paper, or otherwise to dispose of the accumulations of department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless, by a provision of Act March 4, 1907, ch. 2907, *ante*, sec. 69.

Provision for the destruction of old telegrams pertaining to the business of the Weather Bureau, was made by Act May 25, 1900, ch. 555, *ante*, sec. 160.

Sec. 1465. (Act March 2, 1895, ch. 139.) Disposition of useless papers in buildings under control of departments.

That the Act entitled "An Act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February sixteenth, eighteen hundred and eighty-nine, be, and the same is hereby, amended so as to include in its provisions any accumulation of files of papers of a like character therein described now or hereafter in the various public buildings under the control of the several Executive Departments of the Government. (28 Stat. 933.)

This was a section of the sundry civil appropriation act for the fiscal year 1896, cited above.

Act February 16, 1889, ch. 171, amended by this section, is set forth, *ante*, sec. 1464.

Sec. 1466. (Act July 19, 1919, ch. 24, sec. 4.) Transfer of files and records of discontinued war agencies to departments, authorized.

That except as otherwise provided by law the President is authorized to transfer to the custody and care of such of the departments or independent establishments as he may determine the files and records of the agencies created for the period of the war upon the discontinuance of such activities. (41 Stat. 233.)

This was a section of the sundry civil appropriation act for the fiscal year 1920, cited above.

CHAPTER 37.

OFFICIAL USE OF MAILS.

Sec. 1467. (Act March 3, 1877, ch. 103, sec. 5.) Letters, etc., on official business, to be transmitted free; official envelopes.

That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "Official business" an endorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. (19 Stat. 335.)

These were provisions of an act entitled "An act establishing post-roads and for other purposes," cited above.

A further provision of this section, as originally enacted, made punishable the use of official envelopes to avoid the payment of postage. Said provision was incorporated in section 227 of the Criminal Code, Act March 4, 1909, ch. 321, *post*, sec. 1480, and was repealed by sec. 341 of said Code.

The provisions of this section and of section 6 of this act, next following, were extended to all Government officers, not including Members of Congress, by Act March 3, 1879, ch. 180, sec. 29, as amended by Act July 5, 1884, ch. 234, sec. 3, *post*, sec. 1469.

Seeds distributed by the Department of Agriculture, and agricultural reports emanating from that Department, were to be transmitted through the mails free of charge, by Act March 3, 1875, ch. 128, sec. 7, *ante*, sec. 77.

Bulletins and reports of agricultural experiment stations at state agricultural colleges were to be transmitted in the mails free of postage, by Act March 2, 1887, ch. 314, sec. 4, *ante*, sec. 434.

Bulletins, etc., in furtherance of cooperative agricultural extension work between the agricultural colleges and the Department of Agriculture were to be transmitted in the mails free of postage, by Act June 30, 1914, ch. 131, *ante*, sec. 430.

Sec. 1468. (Act March 3, 1877, ch. 103, sec. 6.) Official envelopes; indorsement of penalty.

That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes; and in addition to the endorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon. (19 Stat. 336.)

See notes to section 5 of this act, *ante*, sec. 1467.

Sec. 1469. (Act March 3, 1879, ch. 180, sec. 29, as amended by Act July 5, 1884, ch. 234, sec. 3.) Letters, etc., on official business to be transmitted free; indorsements on envelopes; penalty envelopes with return address; official mail matter to be registered free; act not to apply to officers receiving allowance for postage; provisions for stamps and stamped envelopes for official purposes, repealed.

The provisions of the fifth and sixth section of the act entitled "An act establishing post-routes, and for other purposes" approved

March third, eighteen hundred and seventy-seven, for the transmission of official mail-matter, be, and they are hereby, extended to all officers of the United States Government, not including members of Congress, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which or officer from whom the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail-matter of the Smithsonian Institution: *Provided*, That any Department or officer authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information, and indorsements relating thereto: *Provided further*, That any letter or packet to be registered by either of the Executive Departments, or Bureaus thereof, or by the Agricultural Department, or by the Public Printer, may be registered without the payment of any registry fee; and any part-paid letter or packet addressed to either of said Departments or Bureaus may be delivered free; but where there is good reason to believe the omission to prepay the full postage thereon was intentional, such letter or package shall be returned to the sender: *Provided further*, That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses of postages. And section thirty-nine hundred and fifteen of the Revised Statutes of the United States, so far as the same relates to stamps and stamped envelopes for official purposes, is hereby repealed. (20 Stat. 362, 23 Stat. 158.)

These were provisions of Act March 3, 1877, ch. 180, sec. 29, cited above, as amended by Act July 5, 1884, ch. 234, sec. 3, also cited above. The section was amended by said Act July 5, 1884, ch. 234, sec. 3, by inserting after the words "officers of the United States Government," the words "not including members of Congress," and by striking out after said words the words "and made applicable to all official mail-matter transmitted between any of the officers of the Government or between any such officer and either of the executive departments of the Government," and by inserting after the provision relating to the Smithsonian Institution the first two provisos above set forth, and by adding at the end of the section the provision repealing part of the R. S. sec. 3915.

Sections 5 and 6 of Act March 3, 1877, ch. 103, mentioned in this section, are set forth *ante*, secs. 1467, 1468.

These provisions, as amended, superseded a provision of Act March 3, 1883, ch. 128, sec. 2, authorizing the heads of departments to make requisitions on the Postmaster General for official postage stamps. See note to sec. 1470, *post*.

Sec. 1470. (Act March 3, 1883, ch. 128, sec. 2.) Penalty envelopes for answer to be enclosed in official communications to Members of Congress, etc.

It shall be the duty of the respective departments to inclose to Senators, Representatives and Delegates in Congress, in all official communications requiring answers, or to be forwarded to others, penalty envelopes addressed as far as practicable, for forwarding or answering such official correspondence. (22 Stat. 563.)

This was a provision of the legislative, executive, and judicial appropriation act for the fiscal year 1884, cited above.

A preceding provision of this section, omitted here, authorizing the heads of departments to make requisitions on the Postmaster General for official postage stamps, was superseded by Act March 3, 1879, ch. 180, sec. 29, as amended by Act July 5, 1884, ch. 234, sec. 3, *ante*, sec. 1469.

Sec. 1471. (Act March 1, 1889, ch. 327, sec. 4.) Franking privilege extended to Hawaiian Islands.

The franking privilege, as the same is regulated by law, shall extend to the Hawaiian Islands. (30 Stat. 966.)

This was a provision of the postal service appropriation act for the fiscal year 1900, cited above.

Sec. 1472. (Act June 26, 1906, ch. 3546.) Mail matter admitted under penalty privilege restricted to matter admissible on payment of postage.

That hereafter no article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps would be entitled to admission to the mails under laws requiring payment of postage. (34 Stat. 477.)

This was a provision of the postal service appropriation act for the fiscal year 1907, cited above.

Provisions for transmission through the mails, free of postage, of matter relating to official business were contained in Act March 3, 1877, ch. 103, secs. 5, 6, *ante*, secs. 1467, 1468.

Sec. 1473. (Act May 18, 1916, ch. 126, sec. 11.) Matter admitted to mails under penalty privilege restricted.

That no article or package exceeding four pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the Acts of June eighth, eighteen hundred and ninety-six (chapter three hundred and seventy, Twenty-ninth Statutes, page two hundred and sixty-two), and June twenty-sixth, nineteen hundred and six (chapter thirty-five hundred and forty-six, Thirty-fourth Statutes, page four hundred and seventy-seven). (39 Stat. 162.)

This was a part of section 11 of an act entitled "An act to amend the Act approved June twenty-fifth, nineteen hundred and ten, authorizing the postal savings system, and for other purposes," cited above.

Another provision of this section, fixing the limit of weight of first-class mail matter is set forth, *post*, sec. 1478.

Provisions of Act June 8, 1896, ch. 370, referred to in this provision, are set forth, *post*, sec. 1474.

A provision of Act. June 26, 1906, ch. 3546, also referred to in this provision, is set forth, *ante*, sec. 1472.

Sec. 1474. (Act June 8, 1896, ch. 370.) Limit of weight of mail package; official matter from Departments excepted.

That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding four pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the Departments of the Government. (29 Stat. 262).

This was a portion of an act entitled "An act to regulate mail matter of the fourth class," cited above.

The definition herein of fourth-class mail matter, and the provision limiting the weight of each package, in so far as it applied to fourth-class matter, were superseded by provisions of Act August 24, 1912, ch. 389, sec. 8, *post*, sec. 1475.

Sec. 1475. (Act August 24, 1912, ch. 389, sec. 8.) Limit of weight and size of mail package; nonmailable matter.

That hereafter fourth-class mail matter shall embrace all other matter, including farm and factory products, not now embraced by law in either the first, second, or third class, not exceeding eleven pounds in weight, nor greater in size than seventy-two inches in length and girth combined, nor in form of kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery. (37 Stat. 557.)

This was a paragraph of the Post Office Department appropriation act for the fiscal year 1913, cited above.

These provisions superseded the previous provisions defining fourth-class mail matter, of Act June 8, 1896, ch. 370, *ante*, sec. 1474.

Sec. 1476. (Act July 28, 1916, ch. 261, sec. 6.) Re-formation of classification of mailable articles, weight limit, etc.

If the Postmaster General shall find on experience that the classification of articles mailable, as well as the weight limit, or the rates of postage, zone or zones, and other conditions of mailability, under section eight of the Act approved August twenty-fourth, nineteen hundred and twelve, or any of them, are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized to re-form from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof: *Provided, however*, That before any change is hereafter made in weight limit, rates of postage, or zone or zones, by the Postmaster General, the proposed change shall be approved by the Interstate Commerce Commission after thorough and independent consideration by that body in such manner as it may determine. (39 Stat. 431.)

This was a section of the postal service appropriation act for the fiscal year 1917, cited above.

This section supplemented provisions of Act August 24, 1912, ch. 389, sec. 8, *ante*, sec. 1475.

Sec. 1477. (Act March 9, 1914, ch. 33.) Seeds, plants, etc., embraced in fourth-class mail matter.

That seeds, cuttings, bulbs, roots, scions, and plants, shall hereafter be embraced in and carried as fourth-class matter. (38 Stat. 304.)

This was a provision of the postal service appropriation act for the fiscal year 1915, cited above.

Sec. 1478. (Act May 18, 1916, ch. 126, sec. 11.) Limit of weight of first-class mail matter.

That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth-class. (39 Stat. 162.)

This was a part of section 11 of an act entitled "An act to amend the Act approved June twenty-fifth, nineteen hundred and ten, authorizing the postal savings system, and for other purposes," cited above.

A further provision of this section, fixing the weight of mail matter admitted to the mails under the penalty privilege, is set forth, *ante*, sec. 1473. The limit of weight of fourth-class mail matter was fixed by Act August 24, 1912, ch. 389, sec. 8, *ante*, sec. 1475.

Sec. 1479. (Act June 26, 1906, ch. 3546.) Lending or permitting use of frank for use of any committee, organization, or association, unlawful.

That hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. (34 Stat. 477.)

This was a provision of the postal service appropriation act for the fiscal year 1907, cited above.

Sec. 1480. (Act March 4, 1909, ch. 321, sec. 227.) Fraudulent use of official envelopes, etc.; penalty.

Whoever shall make use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than three hundred dollars. (35 Stat. 1134.)

This was a section of the Criminal Code, cited above, incorporating therein a provision of Act March 3, 1877, ch. 103, sec. 5, 19 Stat. 335, which provision was expressly repealed by section 341 of said Code.

Sec. 1481. (Act October 3, 1917, ch. 63, sec. 1110.) Use of mails allowed for advertisement and of ethyl alcohol for governmental purposes; rules and regulations by the Postmaster General.

That section five of the Act approved March 3, 1917, entitled, "An Act making appropriations for the Post Office Department for the year ending June 30, 1918," shall not be construed to apply to ethyl alcohol for governmental, scientific, medicinal, mechanical, manufacturing, and industrial purposes, and the Postmaster General shall prescribe suitable rules and regulations to carry into effect this section in connection with the Act of which it is amendatory. (40 Stat. 329.)

This was a provision of "An act to provide revenue to defray war expenses, and for other purposes," cited above.

Section 5 of Act March 3, 1918, ch. 163, 39 Stat. 1069, prohibits the depositing in or carrying by, the mails, and the delivering, of any letter, etc., or publication containing any advertisement of, or a solicitation of an order for, intoxicating liquors, in any State or Territory by the existing law of which it is unlawful to advertise or solicit orders for such liquors; provides punishment for knowingly depositing or sending anything to be conveyed or delivered by mail in violation of the provisions of the section, or knowingly delivering anything therein forbidden to be carried by mail; prescribes the venue of actions; provides punishment for ordering, purchasing, or causing to be transported into any State or Territory the laws of which prohibit the manufacture or sale therein of intoxicating liquors.

ACTS CITED BY POPULAR NAME.

This list includes Acts of Congress referred to by popular designation, the text of which is set forth in full or in part in this compilation. Sections in parentheses at the end of each act indicate where such act or the portion thereof may be found in the compilation.

- Adams Act (Agricultural Experiment Stations):
March 16, 1906, ch. 951, 34 Stat. 63 (secs. 442-447).
- Agricultural College Acts:
July 2, 1862, ch. 130, 12 Stat. 503 (sec. 414).
August 30, 1890, ch. 841, 26 Stat. 417 (secs. 415-420).
March 4, 1907, ch. 2907, 34 Stat. 1256, 1281 (sec. 421).
- Agricultural Experiment Stations Acts:
March 2, 1887, ch. 314, 24 Stat. 440 (secs. 431-440).
March 16, 1906, ch. 951, 34 Stat. 63 (secs. 442-447).
- Agricultural Extension Work Act:
May 8, 1914, ch. 79, 38 Stat. 372 (secs. 422-429).
Also designated "Cooperative Agricultural Extension Work Act."
- Alaska Game Law:
May 11, 1908, ch. 162, 35 Stat. 102 (secs. 484-491).
- Animal Industry Act:
May 29, 1884, ch. 60, 23 Stat. 31 (secs. 163, 168-175).
Also designated "Bureau of Animal Industry Act."
- Animal Quarantine Acts:
February 2, 1903, ch. 349, 32 Stat. 791 (secs. 178-180).
March 3, 1905, ch. 1496, 33 Stat. 1264 (secs. 181-185).
Also designated "Cattle Quarantine Acts" and "Live Stock Quarantine Acts."
- Budget and Accounting Act:
June 10, 1921, ch. 18, 42 Stat. 20 (secs. 1139-1150, 1195, 1197-1200, 1213-1216, 1219).
- Bureau of Animal Industry Act:
See "Animal Industry Act."
- Cattle Quarantine Acts:
See "Animal Quarantine Acts."
Also designated "Live Stock Quarantine Acts."
- Civil Service Act:
January 16, 1883, ch. 27, 22 Stat. 403 (secs. 926-934).
- Civil Service Retirement Act:
May 22, 1920, ch. 195, 41 Stat. 614 (secs. 1070-1084).
- Classification Act:
March 4, 1923, ch. 265, 42 Stat. 1488 (secs. 290aa-290mm).
- Climax Basket Act:
August 31, 1916, ch. 426, 39 Stat. 673 (secs. 303-308).
Also designated "Standard Container Act."
- Conservation Act (Navigable Streams):
March 1, 1911, ch. 186, 36 Stat. 961 (secs. 624-637).
- Cooperative Agricultural Extension Work Act:
See "Agricultural Extension Work Act."
- Cooperative Road Construction Acts:
Act July 11, 1916, ch. 241, 39 Stat. 355 (secs. 511-516).
November 8, 1921, ch. 119, 42 Stat. 212 (secs. 511-516).
Also designated "Road Construction Acts."
- Cotton Futures Act:
August 11, 1916, ch. 313, 39 Stat. 476 (secs. 379-399).
Also designated "United States Cotton Futures Act."
- Cotton Standards Act:
March 4, 1923, ch. 288, 42 Stat. 1517 (secs. 938a-938n).

Department of Agriculture Act:

February 9, 1889, ch. 122, 25 Stat. 659 (secs. 2-5).

Dockery Act (Accounting):

July 31, 1894, ch. 174, 28 Stat. 162 (secs. 1201-1206, 1208, 1221).

Eight-Hour Law:

August 1, 1892, ch. 352, 27 Stat. 340 (secs. 1365-1366a).

Also designated "Hours of Service Act."

Employees' Compensation Act:

September 7, 1916, ch. 458, 39 Stat. 742 (secs. 1033-1069).

Also designated "Government Employees' Compensation Act."

Federal Aid Act (Highways):

July 11, 1916, ch. 241, 39 Stat. 355 (secs. 494-502).

Federal Highway Act:

November 8, 1921, ch. 119, 42 Stat. 212 (secs. 511-535).

Food and Drug Act:

June 30, 1906, ch. 3915, 34 Stat. 768 (secs. 266-277).

Forest Lieu Lands Act:

June 4, 1897, ch. 2, 30 Stat. 11, 34 (secs. 538-549).

Also designated "Lieu Lands Act."

Forest Reserve Acts:

March 3, 1891, ch. 561, 26 Stat. 1095 (secs. 537, 836-839).

June 4, 1897, ch. 2, 30 Stat. 11, 34 (secs. 538-549).

Forest Reserve Homestead Act:

June 11, 1906, ch. 3074, 34 Stat. 233 (secs. 725-728).

Forest Transfer Act:

February 1, 1905, ch. 288, 33 Stat. 628 (secs. 79, 557, 565, 578, 843).

Government Employees' Compensation Act:

See "Employees' Compensation Act."

Grain Futures Act:

September 21, 1922, ch. 369, 42 Stat. 998 (secs. 401-412).

Grain Standards Act:

August 11, 1916, ch. 313, 39 Stat. 482 (secs. 291-302).

Also designated "United States Grain Standards Act."

Hatch Act (Agricultural Experiment Stations):

March 2, 1887, ch. 314, 24 Stat. 440 (secs. 431-440).

Hours of Service Act (Public Works):

See "Eight Hour Law."

March 2, 1897, ch. 358, 29 Stat. 604 (secs. 281-290).

Also designated "Tea Importation Act."

Insecticide Act:

April 26, 1910, ch. 191, 36 Stat. 331 (secs. 250-262).

Lacey Act (Game):

May 25, 1900, ch. 553, 31 Stat. 187 (secs. 82, 465-469).

Lieu Lands Act:

See "Forest Lieu Lands Act."

Live Stock Contagious Diseases Acts:

May 29, 1884, ch. 60, 23 Stat. 31 (secs. 163, 168-175).

February 2, 1903, ch. 349, 32 Stat. 791 (secs. 178-180).

March 3, 1905, ch. 1496, 33 Stat. 1264 (secs. 181-185).

Live Stock Quarantine Acts:

See "Animal Quarantine Acts."

Meat Inspection Acts:

August 30, 1890, ch. 839, 26 Stat. 414 (secs. 188-192, 204).

March 3, 1891, ch. 555, 26 Stat. 1089 (secs. 187, 205-210).

March 4, 1907, ch. 2907, 34 Stat. 1256, 1260 (sec. 212).

Migratory Bird Treaty Act:

July 3, 1918, ch. 128, 40 Stat. 755 (secs. 471-483).

Mineral Land Free Timber Act:

June 3, 1878, ch. 150, 20 Stat. 88, 89 (secs. 614, 615).

Morrill Acts (Agricultural Colleges):

July 2, 1862, ch. 130, 12 Stat. 503 (sec. 414).

August 30, 1890, ch. 841, 26 Stat. 417 (secs. 415-420).

Naval Stores Act:

March 3, 1923, ch. 217, 42 Stat. 1435 (secs. 290a-290b).

Nelson Amendment (Agricultural Colleges):

March 4, 1907, ch. 2907, 34 Stat. 1256, 1281 (sec. 421)

Nursery Stock Quarantine Act:

August 20, 1912, ch. 308, 37 Stat. 315 (secs. 229-241).

Also designated "Plant Quarantine Act."

Oleomargarine Act:

May 9, 1902, ch. 784, 32 Stat. 193, 196 (sec. 219).

Also designated "Renovated Butter Act."

Packers and Stockyards Act:

Act August 15, 1921, ch. 64, 42 Stat. 159 (secs. 348-378).

Plant Quarantine Act:

See "Nursery Stock Quarantine Act."

Renovated Butter Act:

See "Oleomargarine Act."

Road Construction Act:

See "Cooperative Road Construction Act."

Seed Importation Act:

August 24, 1912, ch. 382 (secs. 222-227).

Standard Apple Barrel Act:

August 3, 1912, ch. 273, 37 Stat. 250 (secs. 309-314).

Standard Container Act:

August 31, 1916, ch. 426, 39 Stat. 673 (secs. 303-308).

See "Climax Basket Act."

Tea Importation Act:

March 2, 1897, ch. 358, 29 Stat. 604 (secs. 250-262).

Timber and Stone Act:

June 3, 1878, ch. 151, 20 Stat. 89 (secs. 606, 611).

Twenty-Eight Hour Law (Transportation of Animals):

June 29, 1906, ch. 3594, 34 Stat. 607 (secs. 196-200).

United States Cotton Futures Act:

See "Cotton Futures Act."

United States Grain Standards Act:

See "Grain Standards Act."

United States Warehouse Act:

See "Warehouse Act."

Virus Act:

March 4, 1913, ch. 145, 37 Stat. 828, 832 (sec. 221).

Warehouse Act:

August 11, 1916, ch. 313, 39 Stat. 486 (secs. 315-347).

Weeks Act:

March 1, 1911, ch. 186, 36 Stat. 961 (secs. 624-637).

Seed Importation Act:

August 24, 1912, ch. 382 (secs. 222-227).

ACTS MAKING APPROPRIATIONS FOR THE DEPARTMENT OF AGRICULTURE.

Act June 16, 1880, ch. 252, 21 Stat. 292.
Act March 3, 1881, ch. 129, 21 Stat. 381.
Act May 19, 1882, ch. 171, 22 Stat. 89.
Act January 20, 1883, ch. 36, 22 Stat. 408.
Act June 5, 1884, ch. 71, 23 Stat. 36.
Act March 3, 1885, ch. 338, 23 Stat. 353.
Act June 30, 1886, ch. 575, 24 Stat. 100.
Act March 3, 1887, ch. 351, 24 Stat. 495.
Act July 18, 1888, ch. 677, 25 Stat. 328.
Act March 2, 1889, ch. 373, 25 Stat. 835.
Act July 14, 1890, ch. 707, 26 Stat. 282.
Act March 3, 1891, ch. 544, 26 Stat. 1044.
Act July 5, 1892, ch. 147, 27 Stat. 74.
Act March 3, 1893, ch. 214, 27 Stat. 734.
Act August 8, 1894, ch. 238, 28 Stat. 264.
Act March 2, 1895, ch. 169, 28 Stat. 727.
Act April 25, 1896, ch. 140, 29 Stat. 99.
Act April 23, 1897, ch. 1, 30 Stat. 1.
Act March 22, 1898, ch. 85, 30 Stat. 330.
Act March 1, 1899, ch. 325, 30 Stat. 947.
Act May 25, 1900, ch. 555, 31 Stat. 191.
Act March 2, 1901, ch. 805, 31 Stat. 922.
Act June 3, 1902, ch. 985, 32 Stat. 286.
Act March 3, 1903, ch. 1008, 32 Stat. 1147.
Act April 23, 1904, ch. 1486, 33 Stat. 276.
Act March 3, 1905, ch. 1405, 33 Stat. 861.
Act June 30, 1906, ch. 3913, 34 Stat. 669.
Act March 4, 1907, ch. 2907, 34 Stat. 1256.
Act May 23, 1908, ch. 192, 35 Stat. 251.
Act March 4, 1909, ch. 301, 35 Stat. 1039.
Act May 26, 1910, ch. 256, 36 Stat. 416.
Act March 4, 1911, ch. 238, 36 Stat. 1235.
Act August 10, 1912, ch. 284, 37 Stat. 269.
Act March 4, 1913, ch. 145, 37 Stat. 828.
Act June 30, 1914, ch. 131, 38 Stat. 415.
Act March 4, 1915, ch. 144, 38 Stat. 1086.
Act August 11, 1916, ch. 313, 39 Stat. 446.
Act March 4, 1917, ch. 179, 39 Stat. 1134.
Act October 1, 1918, ch. 178, 40 Stat. 973.
Act July 24, 1919, ch. 26, 41 Stat. 234.
Act May 31, 1920, ch. 217, 41 Stat. 694.
Act March 3, 1921, ch. 127, 41 Stat. 1315.
Act May 11, 1922, ch. 185, 42 Stat. 507.
Act February 26, 1923, ch. 119, 42 Stat. 1289.

Previous to 1880 appropriations for the Department of Agriculture were made in the legislative, executive, and judicial appropriation acts.

APPENDIX.

Includes acts and parts of acts of Congress applicable to the United States Department of Agriculture enacted at the first session of the Sixty-eighth Congress, convened December 3, 1923, and adjourned June 7, 1924.

Mileage rates for motorcycles and automobiles, Department of Agriculture.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, set forth as sec. 33a, was repeated in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Transfer of Fort Keogh Military Reservation from Department of Interior to Department of Agriculture for experiments in stock raising, etc.; reversion to Department of Interior on use for other purposes or abandonment; existing rights not affected; certain lands excepted from transfer.

That the Secretary of War having determined that the lands embraced in the Fort Keogh Military Reservation, in the State of Montana, are no longer needed for military purposes, an Executive order of February 2, 1924, having transferred the said lands to the Department of the Interior for disposition, the said lands are hereby transferred to and placed under the control of the United States Department of Agriculture for use by that department for experiments in stock raising and growing of forage crops in connection therewith: *Provided*, That if the lands are not used for the purpose mentioned herein, or having been used for such purpose, are subsequently abandoned as being no longer needed for such purpose, then, and in that event, the said land shall revert to, and become subject to the control and jurisdiction of the Department of the Interior: *Provided further*, That this transfer shall not affect any existing legal rights to lands in the reservation: *And provided further*, That there shall be excepted from the effect hereof that portion of said reservation described as follows:

A tract beginning at a point which is south eighteen degrees fifteen minutes west from the center of section 33, township 8 north of range 47 east, Montana principal meridian, and distant therefrom one thousand six hundred and sixty feet; thence north thirty-six degrees no minutes west one thousand eight hundred and eighty-five feet; thence north sixty-eight degrees ten minutes east one thousand one hundred and five feet; thence north eighty-eight degrees forty minutes east three hundred and eighty feet; thence south fifty-nine degrees five minutes east three hundred and seventy-five feet; thence south twenty-eight degrees thirty-five minutes east three hundred and sixty-five feet; thence south twelve degrees fifty minutes east two hundred and eighty-five feet; thence south fourteen degrees ten minutes west two hundred and fifteen feet; thence south forty degrees twenty-five minutes west three hundred and twenty-five feet; thence south forty-six degrees twenty-five minutes west five hundred and five feet; thence south twenty-nine degrees thirty minutes west three hundred and ninety feet to the point of beginning, containing forty-eight and three-tenths acres, more or less.

Also a tract beginning at a point which is south five degrees thirty minutes west of the center of section 33, township 8 north, range 47 east of Montana principal meridian, and distant therefrom two thousand two hundred and eighty feet; thence south forty-one degrees thirty minutes west one thousand and eighty feet; thence north seventy-three degrees twenty minutes west one thousand nine hundred and twenty-five feet; thence north sixteen degrees forty minutes east two thousand three hundred and seventy-five feet; thence north sixty-eight degrees ten minutes east three hundred and forty feet; thence south thirty-five degrees forty-five minutes east two thousand six hundred and fifty-five feet, to the point of beginning, containing ninety-six and one-tenth acres, more or less. (Act April 15, 1924, 42 Stat.)

This was an act entitled "An act to transfer jurisdiction over a portion of the Fort Keogh Military Reservation, Montana, from the Department of the Interior to the United States Department of Agriculture for experiments in stock raising and growing forage crops in connection therewith," cited above.

Sale of products from agricultural experiment stations in Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 66, was repeated in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Certificates of agents of Department of Agriculture as to perishable farm products prima facie evidence in courts.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 87, was repeated, with the insertion of the word "class" before the word "quality," in the second line, in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Purchase of supplies and equipment for Center Market not subject to award by General Supply Committee.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, set forth as sec. 96a, was repeated in the similar act for the fiscal year 1925, 42 Stat.

Farmers' bulletins; adaptation; allotment to Members of Congress.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 113, was repeated in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Cotton crop reports; discontinuance of acreage reports; issuance of semi-monthly reports on condition, progress, and probable production; approval by cotton crop reporting committee; composition of committee and designation and qualifications of members; time of release of reports.

That hereafter the Secretary of Agriculture shall discontinue acreage reports based upon farmers' intention to plant cotton and shall cause to be issued between July 1 and December 1 semimonthly reports as to the condition, progress, and probable production of cotton. No such report shall be approved and released by the Secretary of Agriculture until it shall have been passed upon by a cotton crop reporting committee or board consisting of five members or more to be designated by him, not less than three of which shall be supervisory field statisticians of the Department of Agriculture located in different sections of the cotton-growing States, experienced in estimating cotton production and who have first-hand knowledge

of the condition of the cotton crop based on recent field observations, and a majority of which committee or board shall be familiar with the methods and practices of producing cotton: *Provided*, That the foregoing reports as of the following dates, August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, and December 1, shall be released simultaneously with the cotton-ginning reports of the Bureau of the Census relating to the same dates, the two reports to be issued from the same place at eleven o'clock antemeridian of the eighth day following that to which the respective reports relate. When such date of release falls on Sunday or a legal holiday, the report shall be issued at eleven o'clock antemeridian of the next succeeding workday. (Act May 3, 1924, sec. 1, 42 Stat.)

This section and the section next following were an act entitled "An act authorizing the Department of Agriculture to issue semimonthly cotton crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce."

Previous provisions relating to cotton crop reports are set forth as secs. 114, 119-123.

Cotton crop reports; repeal of inconsistent laws.

All laws and parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency. (Act May 3, 1924, sec. 1, 42 Stat.)

See notes to preceding section.

Cotton reports; cotton statistics to be furnished by Director of Census to Department of Agriculture; publication.

The Director of the Census shall furnish to the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the said Department of Agriculture shall publish the same in connection with each of its reports concerning cotton. (Act April 2, 1924, sec. 2, 42 Stat.)

This was a provision of an act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," cited above.

A similar provision of Act July 22, 1912, ch. 119, sec. 4, repealed by section 7 of this act, is set forth as sec. 122.

Section 1 of this act, section 2 except the provision set forth above, and sections 3 and 4, read as follows:

"That the Director of the Census be, and he is hereby, authorized and directed to collect and publish statistics concerning the amount of cotton ginned; the quantity of raw cotton consumed in manufacturing establishments of every character; the quantity of baled cotton on hand; the number of active consuming cotton spindles; the number of active spindle hours, and the quantity of cotton imported and exported, with the country of origin and destination.

"SEC. 2. That the statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to August 1, August 16, September 1, September 16, October 1, October 18, November 1, November 14, December 1, December 13, January 16, and March 1: *Provided*, That the Director of the Census may limit the canvasses of August 1 and August 16, to those sections of the cotton-growing States in which cotton has been ginned. The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, the number of active consuming cotton spindles, the number of active spindle hours, and the statistics of cotton imported and exported shall relate to each calendar month, and shall be published as soon as possible after the close of the

month. Each report published by the Bureau of the Census of the quantity ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported.

"All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginneries, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. * * *

"Sec. 3. That the information furnished by any individual establishment under the provisions of this Act shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Bureau of the Census who, without the written authority of the Director of the Census, shall publish or communicate any information given into his possession by reason of his employment under the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than \$300 or more than \$1,000 or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

"Sec. 4. That it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned, manufactured, or stored, whether conducted as a corporation, firm, limited partnership, or by individuals, when requested by the Director of the Census or by any special agent or other employee of the Bureau of the Census acting under the instructions of said director, to furnish completely and correctly, to the best of his knowledge, all of the information concerning the quantity of cotton ginned, consumed, or on hand, and the number of cotton-consuming spindles, and active spindle hours. The request of the Director of the Census for information concerning the quantity of cotton ginned or consumed, stocks of cotton on hand, and number of spindles and spindle hours may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, and the registry receipt of the Post Office Department shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton ginnery, manufacturing establishment, warehouse, or other place where cotton is ginned or stored, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any of the information herein provided for or shall willfully give answers that are false shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 or more than \$1,000 or imprisonment for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court."

Sections 5 and 6 of this act are set forth as the two sections next following, respectively.

Section 7 of this act reads as follows:

"Sec. 7. That the Act of Congress authorizing the Director of the Census to collect and publish statistics of cotton, approved July 22, 1912, and all other laws and parts of laws inconsistent with the provisions of this Act are hereby repealed."

Sections 4 and 5 of Act July 22, 1912, ch. 249, repealed by section 7 of this act, are set forth as secs. 122 and 123, respectively.

Cotton reports; information concerning cotton industry in foreign countries to be furnished by Director of Census to Department of Agriculture; publication.

That in addition to the information regarding cotton in the United States hereinbefore provided for, the Director of the Census shall compile, by correspondence or the use of published reports and documents, any available information concerning the production, consumption, and stocks of cotton in foreign countries, and the number of cotton-consuming spindles in such countries. Each report published by the Bureau of the Census regarding cotton shall contain an abstract of the latest available information obtained under

the provisions of this section, and the Director of the Census shall furnish the same to the Department of Agriculture for publication in connection with the reports of that department concerning cotton in the same manner as in the case of statistics relating to the United States. (Act April 2, 1924, sec. 5, 42 Stat.)

See preceding section and notes thereto.

This section is in language identical with that of Act July 22, 1912, ch. 249, sec. 5, set forth as sec. 123, which was repealed by section 7 of this act.

Cotton reports; time of issue.

That the reports of cotton ginned to the dates as of which the Department of Agriculture is also required to issue cotton crop reports shall be issued simultaneously with the cotton crop reports of that department, the two reports to be issued from the same place at eleven o'clock antemeridian on the eighth day following that on which the respective reports relate. When such date of release falls on Sunday or a legal holiday the reports shall be issued at eleven o'clock antemeridian on the next succeeding workday. (Act April 2, 1924, sec. 6, 42 Stat.)

See two sections next preceding and notes thereto.

Interchange of appropriations for miscellaneous expenses and appropriations for general expenses.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 132b, was repeated in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Restriction on printing by the Weather Bureau.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 157, was repeated in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Purchase, maintenance, etc. of passenger-carrying vehicles from lump-sum appropriations of Department of Agriculture; replacement of vehicles transferred from War Department for construction of national forest roads and trails; reports of expenditures; exchange of vehicles and boats and parts, etc., thereof.

That not to exceed \$130,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed \$35,000 of this amount shall be expended for the purchase of such vehicles, and that such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the Secretary of Agriculture is authorized to purchase, from the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (Forty-second Statutes at Large, page 212), not to exceed \$25,000, motor-propelled passenger carrying vehicles to replace such vehicles transferred under authority of the Acts of February 28, 1919 (Fortieth Statutes at Large, page 1201), March 15, 1920 (Forty-first Statutes at Large, page 530), and November 9, 1921 (Forty-second Statutes at Large, page 212), from the War Department and retained and used by

the Secretary of Agriculture in the construction and maintenance of national forest roads or other roads constructed under his direct supervision which are or may become unserviceable: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year: *Provided further*, That the Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, or boats, or parts, accessories, tires, or equipment of such vehicles, or boats, purchased by him. (Act June 5, 1924, 42 Stat.)

These were provisions of the agricultural appropriation act for the fiscal year 1925, cited above.

Bureau of Dairying in Department of Agriculture; establishment.

That there is hereby established in the Department of Agriculture a bureau to be known as the Bureau of Dairying. (Act May 29, 1924, sec. 1, 42 Stat.)

This section and the four sections next following were an act entitled "An act to establish a Dairy Bureau in the Department of Agriculture, and for other purposes," cited above.

Bureau of Dairying in Department of Agriculture; appointment and duties of Chief.

That a Chief of the Bureau of Dairying shall be appointed by the Secretary of Agriculture, who shall be subject to the general direction of the Secretary of Agriculture. He shall devote his time to the investigation of the dairy industry, and the dissemination of information for the promotion of the dairy industry. (Act May 29, 1924, sec. 2, 42 Stat.)

See note to preceding section.

Bureau of Dairying in Department of Agriculture; transfer of activities of Department relating to dairy industry; employment of additional persons.

For the purpose of enabling the Secretary of Agriculture and the Chief of the Bureau of Dairying to carry out the purposes of this Act, the Secretary of Agriculture is hereby authorized to transfer to the Bureau of Dairying such activities of the Department of Agriculture as he may designate which relate primarily to the dairy industry, and to employ such additional persons in the city of Washington and elsewhere, as may be necessary. (Act May 29, 1924, sec. 3, 42 Stat.)

See note to section 1 of act.

Bureau of Dairying in Department of Agriculture; appropriations authorized.

For the purpose of carrying out the provisions of this Act and the activities of the Bureau of Dairying, such sums of money as Congress may deem necessary are hereby authorized to be appropriated, in addition to such sums provided for in the Agricultural Appropriation Act for the fiscal year ending June 30, 1925. (Act May 29, 1924, sec. 4, 42 Stat.)

See note to section 1 of act.

Bureau of Dairying in Department of Agriculture; time of taking effect of act.

That this Act shall be in full force and effect on and after July 1, 1924. (Act May 29, 1924, sec. 5, 42 Stat.)

See note to section 1 of act.

Eradication of contagious, etc., diseases of animals; payment for animals purchased; basis for computation of value and amount to be paid.

The provisions of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 177, were repeated in the same terms, except that the amount of the appropriation was "\$4,000" instead of "\$5,000", and that the last proviso was omitted, in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Tuberculosis of animals; payment for animals destroyed.

The provisions of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 177a, were repeated in the same language in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Repeal of provision permitting admission of tick-infested cattle from Mexico.

That that part of an Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912," approved March 4, 1911 (Thirty-sixth Statutes at Large, at page 1240), which amended the Act of August 30, 1890, so as to authorize the Secretary of Agriculture under joint regulations prescribed by the Secretary of Agriculture and the Secretary of the Treasury to permit the admission of tick-infested cattle from Mexico into that part of Texas below the southern quarantine line, be, and the same is hereby, repealed. (Act April 15, 1924, 42 Stat.)

This was an act entitled "An act to repeal that part of an Act entitled 'An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912,' approved March 4, 1911, relating to the admission of tick-infested cattle from Mexico into Texas."

Besides the amendment of Act August 30, 1890, ch. 839, by Act March 4, 1911, ch. 238, both mentioned in this section, so as to permit the admission of tick-infested cattle from Mexico, said Act August 30, 1890, was further amended in the same respect by Act August 10, 1917, ch. 52, sec. 9, and Act November 21, 1918, ch. 212, sec. 3. See sec. 193.

Tests of samples of grass, etc., and publication of results showing adulteration or misbranding.

For studying and testing commercial seeds, including the testing of samples of seeds of grasses, clover, or alfalfa, and lawn-grass seeds secured in the open market, and where such samples are found to be adulterated or misbranded the results of the tests shall be published, together with the names of the persons by whom the seeds were offered for sale. (Act June 5, 1924, 42 Stat.)

This was a provision of the agricultural appropriation act for the fiscal year 1925, cited above.

Enforcement of Plant Quarantine Act; disposal of moneys received as charges for cleaning and disinfection of cars, etc., in prevention of importation from Mexico of pink boll-worm of cotton.

To enable the Secretary of Agriculture to carry into effect the provisions of the Act of August 20, 1912, as amended, entitled "An Act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes"; to prevent the

movement of cotton and cotton seed from Mexico into the United States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof: *Provided*, That any moneys received in payment of charges fixed by the Secretary of Agriculture on account of such cleaning and disinfection at plants constructed therefor out of any appropriation made on account of the pink bollworm of cotton shall be covered into the Treasury as miscellaneous receipts. (Act June 5, 1924, 42 Stat.)

This was a provision of the agricultural appropriation act for the fiscal year 1925, cited above.

Enforcement of Cotton Standards Act; use of moneys received from sale of official cotton standards, etc.

Enforcement of the United States Cotton Standards Act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States Cotton Standards Act, including the payment of such rent outside of the District of Columbia and the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, \$25,550: *Provided*, That any moneys received from or in connection with the sale of cotton now on hand or purchased for the preparation of any official cotton standards, and condemned, or from the sale of cotton standards prepared from cotton now on hand or purchased, may be used as authorized by section 6 of said Act. (Act April 2, 1924, 42 Stat.)

This was a provision of the "First Deficiency Act, fiscal year 1924," cited above.

Enforcement of Packers and Stockyards Act; bonds of market agencies and dealers to secure performance of obligations; suspension of registrants for insolvency or violation of act.

To enable the Secretary of Agriculture to carry into effect the provisions of the Packers and Stockyards Act, approved August 15, 1921, \$452,540: *Provided*, That the Secretary of Agriculture may require reasonable bonds from every market agency and dealer under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing the Secretary finds any registrant is insolvent or has violated any provision of said Act, he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction. (Act June 5, 1924, 42 Stat.)

These were provisions of the agricultural appropriation act for the fiscal year 1925, cited above.

Enforcement of Cotton Futures Act; use of moneys received from sale of official cotton standards, etc.

To enable the Secretary of Agriculture to carry into effect the provisions of the United States Cotton Futures Act, as amended March 4, 1919, and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923, including all expenses necessary for the purchase of equipment and supplies; for

travel; for the employment of persons in the city of Washington and elsewhere; and for all other expenses, including rent outside of the District of Columbia, that may be necessary in executing the provisions of these Acts, \$185,000: *Provided*, That any moneys received from or in connection with the sale of cotton purchased for the preparation of practical forms of the official cotton standards and condemned as unsuitable for such use may be expended by the Secretary of Agriculture during the fiscal year ending June 30, 1925, for the purchase of other cotton for such use. (Act June 5, 1924, 42 Stat.)

This was a provision of the agricultural appropriation act for the fiscal year 1925, cited above.

Statements of expenditures under acts relating to agricultural colleges and agricultural experiment stations.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 452, was repeated in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Hunting, etc. birds or animals, taking, etc., birds' eggs, or destroying, etc., property on lands reserved as refuges or breeding grounds; punishment.

That section 84 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (Thirty-fourth Statutes, page 1088), be, and the same is hereby, amended so as to read as follows:

"SEC. 84. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both." (Act April 15, 1924, 42 Stat.)

This was an act entitled "An act to amend section 84 of the Penal Code of the United States," cited above.

Section 84 of the Penal Code, amended by this act, is set forth as sec. 458.

Upper Mississippi River Wild Life and Fish Refuge; citation of act.

That this Act may be cited as "The Upper Mississippi River Wild Life and Fish Refuge Act." (Act June 7, 1924, sec. 1, 42 Stat.)

This section and the twelve sections next following were an act entitled "An act to establish the Upper Mississippi River Wild Life and Fish Refuge."

Upper Mississippi River Wild Life and Fish Refuge; acquisition of land and water for purposes of act.

The Secretary of Agriculture is authorized and directed to acquire by purchase, gift, or lease, such areas of land, or of land and water, situated between Rock Island, Illinois, and Wabasha, Minnesota, on either side of or upon islands in the Mississippi River which are subject to overflow by such river and which are not used for agricultural purposes, as he determines suitable for the purposes of this Act. (Act June 7, 1924, sec. 2, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; area acquired to become part of refuge; purpose of refuge.

Any such area, when acquired in accordance with the provisions of this Act, shall become a part of the Upper Mississippi River Wild Life and Fish Refuge (hereinafter in this Act referred to as the "refuge"). The refuge shall be established and maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe, as a refuge and breeding place for other wild birds, game animals, fur-bearing animals, and for the conservation of wild flowers and aquatic plants, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic animal life. (Act June 7, 1924, sec. 3, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; consent of States to acquisition of lands; payment not to be made until title approved by Attorney General and vested in United States; existing rights of way, etc.

(a) No such area shall be acquired by the Secretary of Agriculture until the legislature of each State in which is situated any part of the areas to be acquired under this Act has consented to the acquisition of such part by the United States for the purposes of this Act, and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General and is vested in the United States.

(b) The existence of a right of way, easement, or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this Act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this Act. (Act June 7, 1924, sec. 4, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; regulations, functions, and duties in carrying out act.

Except where it is specifically provided otherwise, the Secretary of Agriculture and the Secretary of Commerce shall jointly prescribe such regulations, exercise such functions, and perform such duties as may be necessary to carry out the purposes of this Act. (Act June 7, 1924, sec. 5, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; offenses in respect to birds, animals, plants, fish, etc.

No person shall, except in accordance with regulations prescribed by the Secretary of Agriculture in respect of wild birds, game animals, fur-bearing animals, wild flowers, and aquatic plants, or by the Secretary of Commerce in respect of fish and other aquatic-animal life—

(a) Enter the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish or other aquatic-animal life on the refuge; or

(c) Remove from the refuge, or injure or destroy thereon any flower, plant, tree, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any notice, sign board, fence, building, or other property of the United States thereon. (Act June 7, 1924, sec. 6, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; regulations for commercial fishing.

Commercial fishing may be conducted in the waters of this refuge under regulation by the Secretary of Commerce. (Act June 7, 1924, sec. 7, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; powers of authorized employees of Department of Agriculture and of Department of Commerce to enforce act; arrests for violations of act; execution of warrants; search warrants; seizure of birds, animals, fish, plants, etc., implements and paraphernalia; reports of seizures to United States attorneys; forfeiture proceedings.

(a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this Act, and any employee of the Department of Commerce so authorized by the Secretary of Commerce (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or of any regulation made pursuant to this Act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this Act or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Agriculture and the Secretary of Commerce may jointly by regulation prescribe.

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 11, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds \$20. In case of a jury trial

the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the articles seized. (Act June 7, 1924, sec. 8, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; expenditures for construction, equipment, maintenance, repairs, and improvements; appropriation.

(a) The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon them by this Act and as may be provided for by Congress from time to time.

(b) For such expenditures there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, to be available until expended, \$25,000 of such sum to be available for expenditure by the Secretary of Agriculture and \$25,000 by the Secretary of Commerce. (Act June 7, 1924, sec. 9, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; appropriation for acquisition of lands; limitation of price of lands to be acquired.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and to be available until expended, the sum of \$1,500,000, or so much thereof as may be necessary for the acquisition of any areas authorized by this Act to be acquired for such refuge and for all necessary expense incident to the acquisition of such areas; but no money shall be available for the acquisition of any area until the Secretary of Agriculture has ascertained that all of the areas to be acquired under this Act will be acquired within the amounts appropriated or authorized to be appropriated therefor and at an average price not in excess of \$5 per acre, and not in excess of the average selling price, during the years 1921, 1922, and 1923, of comparable lands within the vicinity of such areas. (Act June 7, 1924, sec. 10, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; punishment for violation of or failure to comply with act.

Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both. (Act June 7, 1924, sec. 11, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; "person" defined.

As used in this Act the term "person" includes an individual, partnership, association, or corporation. (Act June 7, 1924, sec. 12, 42 Stat.)

Upper Mississippi River Wild Life and Fish Refuge; act not to affect improvement, etc., of Mississippi River.

Nothing in this Act shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor

as authorizing any interference with the operations of the War Department in carrying out any project now or hereafter adopted for the improvement of said river. (Act June 7, 1924, sec. 13, 42 Stat.)

Powers and duties of Governor of Alaska relating to protection of wild game animals and wild birds in Alaska transferred to Secretary of Agriculture; appropriations transferred to Department of Agriculture.

That, on and after July 1, 1924, the powers and duties heretofore conferred upon the Governor of Alaska by existing law for the protection of wild game animals and wild birds in Alaska are hereby conferred upon and shall be exercised by the Secretary of Agriculture; and all money available or appropriated in any Act for the fiscal year ending June 30, 1925, for carrying into effect the Act approved May 11, 1908, entitled "An Act for the protection of game in Alaska and for other purposes," including salaries, traveling expenses of game wardens and all other necessary expenses, is hereby transferred to the credit of the Department of Agriculture to be expended by the Secretary of Agriculture for such purposes. (Res. June 7, 1924, 42 Stat.)

This was a resolution entitled "Joint Resolution to provide that the powers and duties conferred upon the Governor of Alaska under existing law for the protection of wild game animals and wild birds in Alaska be transferred to and be exercised by the Secretary of Agriculture," cited above.

Federal aid to States in construction of highways; appropriation; apportionment among States; approval of projects deemed contractual obligation.

Cooperative Construction of the Federal Aid Highway System: For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act as amended, \$13,000,000, to be available until expended, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the Act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the passage of this Act, to apportion among the several States, as provided in section 21 of the Federal Highway Act, approved November 9, 1921, the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by said paragraph 1 of section 4 of the Act approved June 19, 1922: *Provided further*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto. (Act June 5, 1924, 40 Stat.)

These were provisions of the agricultural appropriation act for the fiscal year 1925, cited above.

Provisions for Federal aid to States in construction of highways extended to Territory of Hawaii; projects to be preferred.

That beginning with the fiscal year ending June 30, 1925, the Territory of Hawaii shall be entitled to share in appropriations

now or which may hereafter become available for apportionment under the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, known as the Federal Highway Act, and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States, and such Territory shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks. (Act March 10, 1924, sec. 1, 42 Stat.)

This was a section of an act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," cited above.

Additional percentage of material, equipment, and supplies received by Secretary of Agriculture from Secretary of War to be reserved from distribution among State highway departments and transferred to Secretary of Interior.

That the Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per centum authorized by section 5 of the Act of November 10, 1921 (Forty-second Statutes at Large, page 213), not exceeding 5 per centum of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments: *Provided*, That no charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use. (Act April 9, 1924, sec. 3, 42 Stat.)

This was a section of an act entitled "An act authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of Interior," cited above.

Export of timber and other forest products from national forests.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 556, was repeated in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Young trees from Nebraska National Forest for homestead settlers on arid lands.

The provision of the agricultural appropriation act for the fiscal year 1924, Act February 26, 1923, ch. 119, set forth as sec. 559, was repeated in the similar act for the fiscal year 1925, Act June 5, 1924, 42 Stat.

Roads and trails in national forests; appropriation; expenditures.

Forest roads and trails: For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, \$6,000,000, to be available until expended, being the remainder of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1924, and part of the sum authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the Act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately

upon the approval of this Act, also to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$4,000,000, constituting the remainder of the sum authorized to be appropriated for the fiscal year ending June 30, 1925: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the Act of July 11, 1916, and of section 23 of the Federal Highway Act of November 9, 1921, and Acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment. (Act June 5, 1924, 42 Stat.)

These were provisions of the agricultural appropriation act for the fiscal year 1925, cited above.

Chief of Forest Service to be a member of National Capital Park Commission.

That to preserve the flow of water in Rock Creek, to prevent pollution of Rock Creek and the Potomac and Anacostia Rivers, to preserve forests and natural scenery in and about Washington, and to provide for the comprehensive systematic, and continuous development of the park, parkway, and playground system of the National Capital, there is hereby constituted a commission, to be known as the National Capital Park Commission, composed of the Chief of Engineers of the Army, the Engineer Commissioner of the District of Columbia, the Director of the National Park Service, the Chief of the Forest Service, the officer in charge of public buildings and grounds and the chairmen of the Committees on the District of Columbia of the Senate and House of Representatives. (Act June 6, 1924, sec. 1, 42 Stat.)

This was a provision of an act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," cited above.

Enlargement of Custer State Park Game Sanctuary.

That upon recommendation of the Secretary of Agriculture the area designated as the Custer State Park Game Sanctuary under the provisions of the Act of June 5, 1920 (Forty-first Statutes at Large, page 986), may by proclamation of the President be enlarged to embrace a total of not to exceed forty-six thousand acres, and the Act of June 5, 1920, shall otherwise apply with equal force to the additional area authorized by this Act. (Act June 7, 1924, 42 Stat.)

This was an act entitled "An act to amend an act creating the Custer State Park Game Sanctuary in the State of South Dakota," cited above.

Act June 5, 1920, ch. 247, mentioned in this act, is set forth as secs. 590-593.

Withdrawal of certain national forest and public lands in South Dakota for protection of antelope and other game animals and birds.

That, subject to valid existing rights and entries heretofore initiated under the public land laws, any or all of the following-

described lands in Government ownership may be withdrawn from entry and disposition by proclamation of the President for the purpose of protecting and propagating antelope and other game animals and birds: National-forest lands—Township 18 north, range 7 east, Black Hills meridian, section 24, south half, and south half north half; section 25, all; township 18 north, range 8 east, sections 17 to 20, inclusive; section 21, west half; sections 29 to 32, inclusive. Public lands—Township 18 north, range 7 east, sections 5 to 9 inclusive; sections 13 to 23, inclusive; section 24, north half north half; sections 26 to 36, inclusive; and those parts of sections 3, 4, 10, and 11 lying south and west of the Riva Road: *Provided*, That the withdrawal of the lands herein authorized shall not affect existing withdrawals for national-forest purposes. (Act June 7, 1924, sec. 1, 42 Stat.)

This section and the section next following were an act entitled "An act to authorize the withdrawal of lands for the protection of antelope and other game animals and birds," cited above.

Inclosure by State of South Dakota of lands set aside for protection of antelope and other game animals and birds.

That the State of South Dakota is hereby authorized and permitted to erect and maintain a good, substantial fence inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1 hereof. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in the administration of the national-forest lands embraced therein, or to provide ingress and egress to persons occupying lands within said inclosure. The right of the State to maintain said fence shall continue so long as the area designated by the President shall be given protection by the laws of the State of South Dakota as a game refuge. (Act June 7, 1924, sec. 2, 42 Stat.)

See note to preceding section.

Addition of certain lands to Medicine Bow National Forest; designation of areas as game refuge.

That the President, upon recommendation of the Secretary of Agriculture and the Secretary of the Interior, is hereby authorized to add to the Medicine Bow National Forest the public lands within townships 14 and 15 north, range 77 west, sixth principal meridian, State of Wyoming, which may be determined to be chiefly valuable for national forest purposes, and to designate as a game refuge within such national forest the areas which may be determined to be suitable for the protection and propagation of game animals and birds. (Act June 7, 1924, sec. 1, 42 Stat.)

This section and the three sections next following were an act entitled "An act authorizing the addition of certain lands to the Medicine Bow National Forest, Wyoming, and for other purposes," cited above.

Hunting, etc., game animals or birds on designated game refuge, unlawful.

That it shall be unlawful for any person to hunt, pursue, kill, capture, or molest any game animal or any bird within such designated refuge except in accordance with rules and regulations of the Secretary of Agriculture. (Act June 7, 1924, sec. 2, 42 Stat.)

See note to preceding section.

Existing rights not affected.

That the provisions of this Act shall not affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purpose, nor the rights of any claimant, locator, or entryman to the full use and enjoyment of such land. (Act June 7, 1924, sec. 3, 42 Stat.)

See note to section 1 of act.

Punishment for violation of act.

That any person who violates any provision of this Act or of any rule or regulation promulgated hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both. (Act June 7, 1924, sec. 4, 42 Stat.)

See note to section 1 of act.

Recommendation by Secretary of Agriculture in cooperation with officials of States, etc., for systems of forest fire prevention and suppression.

That the Secretary of Agriculture is hereby authorized and directed, in cooperation with appropriate officials of the various States or other suitable agencies, to recommend for each forest region of the United States such systems of forest fire prevention and suppression as will adequately protect the timbered and cut-over lands therein with a view to the protection of forest and water resources and the continuous production of timber on lands chiefly suitable therefor. (Act June 7, 1924, sec. 1, 42 Stat.)

This section and the eight sections next following were an act entitled: "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor."

Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands from fire; amount of Federal expenditure not to exceed amount expended by State; protection of watersheds; timbered or forest producing lands within cooperating States.

That if the Secretary of Agriculture shall find that the system and practice of forest fire prevention and suppression provided by any State substantially promotes the objects described in the foregoing section, he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigations shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest protection system of the State under State supervision and for which in all cases the State renders satisfactory accounting. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered

or forest producing lands within the cooperating States. (Act June 7, 1924, sec. 2, 42 Stat.)

Expenditure for study of effect of tax laws, etc., on forest perpetuation, for cooperation with officials of States, etc., and in devising tax laws to encourage conservation and growing of timber, and for investigating and promoting methods of insuring timber from losses by fire, etc.; annual appropriations for forest fire protection, etc., in cooperation with States, etc.

That the Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire and other causes. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$2,500,000, to enable the Secretary of Agriculture to carry out the provisions of sections 1, 2, and 3 of this Act. (Act June 7, 1924, sec. 3, 42 Stat.)

Cooperation by Secretary of Agriculture with States in distribution, etc., of forest-tree seeds and plants for denuded or nonforested lands; amount of Federal expenditure not to exceed amount expended by State; annual appropriation.

That the Secretary of Agriculture is hereby authorized and directed to cooperate with the various States in the procurement, production, and distribution of forest-tree seeds and plants, for the purpose of establishing wind breaks, shelter belts, and farm wood lots upon denuded or nonforested lands within such cooperating States, under such conditions and requirements as he may prescribe to the end that forest-tree seeds or plants so procured, produced, or distributed shall be used effectively for planting denuded or nonforested lands in the cooperating States and growing timber thereon: *Provided*, That the amount expended by the Federal Government in cooperation with any State during any fiscal year for such purposes shall not exceed the amount expended by the State for the same purposes during the same fiscal year. There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than \$100,000, to enable the Secretary of Agriculture to carry out the provisions of this section. (Act June 7, 1924, sec. 4, 42 Stat.)

Cooperation by Secretary of Agriculture with officials of States, etc., in assisting owners of farms in establishing, improving, and renewing woodlots, etc., amount of Federal expenditure not to exceed amount expended by State; annual appropriation.

That the Secretary of Agriculture is hereby authorized and directed in cooperation with appropriate officials of the various States or, in his discretion, with other suitable agencies, to assist the owners of farms in establishing, improving, and renewing woodlots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops: *Provided*, That, except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other

cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year. There is hereby authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than \$100,000 to enable the Secretary of Agriculture to carry out the provisions of this section. (Act June 7, 1924, sec. 5, 42 Stat.)

Examination, etc., for purchase of forested, cut-over and denuded lands within watersheds and report of results to National Forest Reservation Commission, by Secretary of Agriculture; examination and report by Secretary of Agriculture in cooperation with Director of Geological Survey.

That section 6 of the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate and recommend for purchase such forested, cut-over or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams or for the production of timber and to report to the National Forest Reservation Commission the results of such examination; but before any lands are purchased by the commission said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams or by the Secretary of Agriculture showing that such control will promote the production of timber thereon. (Act June 7, 1924, sec. 6, 42 Stat.)

Acceptance by United States of lands valuable for growing timber; reservations by donor; payment of expenses of conveyance; requisites as to size and location of units accepted; lands accepted to become national forest lands and to be subject to laws applicable to lands acquired for protection of watersheds; preference in sale of timber; property, etc., reserved to donors subject to tax laws of States.

That to enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is hereby authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the Act of March 1, 1911 (Thirty-

sixth Statutes at Large, page 961), and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located. (Act June 7, 1924, sec. 7, 42 Stat.)

Ascertainment by Secretary of Agriculture of lands valuable for stream-flow protection or timber production and report of findings to National Forest Reservation Commission; report to Congress of findings of Commission.

That the Secretary of Agriculture is hereby authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the Act of March 1, 1911 (Thirty-sixth Statutes at Large, page 961), and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation, or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States. (Act June 7, 1924, sec. 8, 42 Stat.)

Establishment of national forests within certain Government reservations; administration; use of or authority over lands of Army or Navy reservations not affected by establishment of national forests thereon; application of moneys available for highways or general administration of national forests; disposal of receipts from sale of products; punishment for violation of regulations.

That the President, in his discretion, is hereby authorized to establish as national forests, or parts thereof, any lands within the boundaries of Government reservations, other than national parks, reservations for phosphate and other mineral deposits or water-power purposes, national monuments, and Indian reservations, which in the opinion of the Secretary of the department now administering the area and the Secretary of Agriculture are suitable for the production of timber, to be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary formerly administering the area, for the use and occupation of such lands and for the sale of products therefrom. That where such national forest is established on land previously reserved for the Army or Navy for purposes of national defense the land shall remain subject to the unhampered use of the War or Navy Department for said purposes, and nothing in this section shall be construed to relinquish the authority over such lands for purposes of national defense now vested in the Department for which the lands were formerly reserved. Any moneys available for the maintenance, improvement, protection, construction of highways and general administration of the national forests shall be available

for expenditure on the national forests created under this section. All receipts from the sale of products from or for the use of lands in such national forests shall be covered into the Treasury as miscellaneous receipts, forest reserve fund, and shall be disposed of in like manner as the receipts from other national forests as provided by existing law. Any person who shall violate any rule or regulation promulgated under this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned for not more than one year, or both. (Act June 7, 1924, sec. 9, 42 Stat.)

Addition of certain lands to Plumas and Lassen National Forests.

That the following-described lands are hereby added to the national forest indicated and made subject to all laws applicable to that national forest: To the Plumas National Forest—township 26 north, range 7 east, section 6, southeast quarter; township 27 north, range 7 east, section 22, south half northeast quarter; section 23, south half northwest quarter; township 27 north, range 6 east, section 4, northeast quarter northwest quarter; township 28 north, range 6 east, section 33, west half southwest quarter, southeast quarter southwest quarter, all of Mount Diablo base and meridian. To the Lassen National Forest—township 29 north, range 7 east, section 21, northwest quarter northeast quarter, north half northwest quarter, southeast quarter northwest quarter; section 29, northeast quarter northwest quarter, northeast quarter southwest quarter, northwest quarter southeast quarter; section 34, northeast quarter southeast quarter, southeast quarter northeast quarter, northeast quarter northwest quarter, west half northeast quarter, northeast quarter northeast quarter, all of Mount Diablo base and meridian. (Act June 3, 1924, 42 Stat.)

This was an act entitled "An act to add certain lands to the Plumas and to the Lassen National Forests in California," cited above.

Certain lands transferred from Rocky Mountain National Park to Colorado National Forest.

That those portions of the following-described tracts now within the Rocky Mountain National Park be, and are hereby, transferred to the Colorado National Forest and shall hereafter be subject to all laws relating to the use and administration of the national forests: Section 10; northwest quarter of southeast quarter, southwest quarter of the northeast quarter, and the southwest quarter of section 11; northwest quarter of the northeast quarter, north half of the northwest quarter, and the southwest quarter of the northwest quarter of section 15; and the northeast quarter of section 16; township 6 north, range 75 west, sixth principal meridian. (Act June 2, 1924, 42 Stat.)

This was an act entitled "An act to transfer certain lands of the United States from the Rocky Mountain National Park to the Colorado National Forest, Colorado," cited above.

Exchange of timber within national forests of New Mexico for privately owned lands in same State.

That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands, situated within the Las Trampas grant, located within the counties of Rio Arriba and Taos,

State of New Mexico, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby, and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State; the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests, and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. (Act June 7, 1924, sec. 1, 42 Stat.)

This section and the three sections next following were an act entitled "An act providing for the acquirement by the United States of privately owned lands within Rio Arriba and Taos Counties, New Mexico, known as the Las Trampas grant, by exchanging therefor timber within the exterior boundaries of any national forest within the State of New Mexico," cited above.

Surveys of lands offered for exchange.

That lands offered for exchange hereunder and not covered by public land surveys shall be identified by metes and bounds surveys and that such surveys and the plats and field notes thereof shall be made by employees of the United States Forest Service and approved by the United States Surveyor General. (Act June 7, 1924, sec. 2, 42 Stat.)

See note to preceding section.

Lands acquired to become part of Carson National Forest.

That any lands conveyed to the United States under the provisions of this Act shall, upon acceptance of the conveyance thereof, become and be a part of Carson National Forest. (Act June 7, 1924, sec. 3, 42 Stat.)

See note to section 1 of this act.

Publication of notice of exchange.

That before any exchange of lands for timber as above provided is effected, notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated. (Act June 7, 1924, sec. 4, 42 Stat.)

See note to section 1 of this act.

Lands in Crook National Forest for recreational purposes.

That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the Board of Supervisors of Gila County, Arizona, to designate and segregate for recreational development any lands, not to exceed six hundred and forty acres, within the Crook National Forest, Arizona, which in his opinion, are available for such purpose, and he is hereby authorized to enter into such form of cooperation with said Board of Supervisors as in his opinion will permit the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Lands so designated and segre-

gated, under the provisions of this Act, shall not be subject to the mining laws of the United States. (Act May 29, 1924, 42 Stat.)

This was an act entitled "An act providing for a recreational area within the Crook National Forest, Arizona," cited above.

Liberty or other United States bonds or notes in lieu of surety bonds; deposit; force and effect; return to depositor; contractors' bonds; regulations.

Wherever by the laws of the United States or regulations made pursuant thereto, any person is required to furnish any recognizance, stipulation, bond, guaranty, or undertaking, hereinafter called "penal bond," with surety or sureties, such person may, in lieu of such surety or sureties, deposit as security with the official having authority to approve such penal bond, United States Liberty bonds or other bonds or notes of the United States in a sum equal at their par value to the amount of such penal bond required to be furnished, together with an agreement authorizing such official to collect or sell such bonds or notes so deposited in case of any default in the performance of any of the conditions or stipulations of such penal bond. The acceptance of such United States bonds or notes in lieu of surety or sureties required by law shall have the same force and effect as individual or corporate sureties, or certified checks, bank drafts, post-office money orders, or cash, for the penalty or amount of such penal bond. The bonds or notes deposited hereunder and such other United States bonds or notes as may be substituted therefor from time to time as such security, may be deposited with the Treasurer of the United States, a Federal reserve bank, or other depository duly designated for that purpose by the Secretary, which shall issue receipt therefor, describing such bonds or notes so deposited. As soon as security for the performance of such penal bond is no longer necessary, such bonds or notes so deposited shall be returned to the depositor: *Provided*, That in case a person or persons supplying a contractor with labor or material as provided by the Act of Congress, approved February 24, 1905 (33 Stat. 811), entitled "An Act to amend an Act approved August thirteenth, eighteen hundred and ninety-four, entitled 'An Act for the protection of persons furnishing materials and labor for the construction of public works,'" shall file with the obligee, at any time after a default in the performance of any contract subject to said Acts, the application and affidavit therein provided, the obligee shall not deliver to the obligor the deposited bonds or notes nor any surplus proceeds thereof until the expiration of the time limited by said Acts for the institution of suit by such person or persons, and, in case suit shall be instituted within such time, shall hold said bonds or notes or proceeds subject to the order of the court having jurisdiction thereof: *Provided further*, That nothing herein contained shall affect or impair the priority of the claim of the United States against the bonds or notes deposited or any right or remedy granted by said Acts or by this section to the United States for default upon any obligation of said penal bond: *Provided further*, That all laws inconsistent with this section are hereby so modified as to conform to the provisions hereof: *And provided further*, That nothing contained herein shall affect the authority of courts over the security, where such bonds are taken as security in judicial proceedings, or the authority of any administrative officer of the United States to receive United States bonds for security in

cases authorized by existing laws. The Secretary may prescribe rules and regulations necessary and proper for carrying this section into effect. (Act June 2, 1924, sec. 1029, 42 Stat.)

This was a section of an act entitled "An Act to reduce and equalize taxation, to provide revenue, and for other purposes," cited above.

This section superseded Act February 24, 1919, ch. 18, sec. 1320, set forth as sec. 981a.

Detail of employees of departments, etc. to the office of the President.

The provision of the executive appropriation act for the fiscal year 1924, Act February 13, 1923, ch. 72, sec. 1, set forth as sec. 995, was repeated in the similar act for the fiscal year 1925, Act June 7, 1924, 42 Stat.

Details from departments, etc. to Civil Service Commission prohibited.

The provision of the executive appropriation act for the fiscal year 1924, Act February 13, 1923, ch. 72, set forth as sec. 996, was repeated in the similar act for the fiscal year 1925, Act June 7, 1924, 42 Stat.

Retired officers and enlisted men of Army, Navy, Marine Corps, or Coast Guard excepted from prohibition against holding other lucrative office.

That section 2 of the Legislative, Executive, and Judicial Appropriation Act, approved July 31, 1894, is amended by adding at the end thereof a new sentence to read as follows: "Retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard retired for any cause, and retired officers of the Army, Navy, Marine Corps, or Coast Guard who have been retired for injuries received in battle or for injuries or incapacity incurred in line of duty shall not, within the meaning of this section, be construed to hold or to have held an office during such retirement." (Act May 31, 1924, 42 Stat.)

This was an act entitled "An act to amend section 2 of the legislative, executive and judicial appropriation act, approved July 31, 1894," cited above.

Act July 31, 1894, ch. 174, sec. 2, amended by this act, is set forth as sec. 1008.

Compensation for disability or death of Government employees; review of awards by Commission.

That the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, be amended as follows:

That section 37 of said Act is amended to read as follows:

"SEC. 37. That if the original claim for compensation has been made within the time specified in section 20, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation. In the absence of fraud or mistake in mathematical calculation, the finding of facts in, and the decision of the commission upon, the merits of any claim presented under or authorized by this Act if supported by competent evidence shall not be subject to review by any other administrative or accounting officer, employee, or agent of the United States. Any award heretofore made by the Compensation Commission, under the Act of September 7, 1916, for disability or death resulting from a personal injury sustained prior

to the passage of this Act, shall be valid, if such award would be valid if made in respect to an injury sustained after the passage of this Act." (Act June 5, 1924, sec. 1, 42 Stat.)

This section and the section next following were an act entitled "An act to amend an act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916," cited above.

Act September 7, 1916, ch. 458, sec. 37, amended by this section, is set forth as sec. 1065.

Compensation for disability or death of Government employees; definitions.

That section 40 of said Act is amended to read as follows:

"SEC. 40. That wherever used in this Act—

"The singular includes the plural and the masculine includes the feminine.

"The term 'employee' includes all civil employees of the United States and of the Panama Railroad Company.

"The term 'commission' shall be taken to refer to the United States Employees' Compensation Commission provided for in section 28.

"The term 'physician' includes surgeons.

"The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury.

"The term 'injury' includes, in addition to injury by accident, any disease proximately caused by the employment.

"The term 'compensation' includes the money allowance payable to an employee or his dependents and any other benefits paid for out of the compensation fund: *Provided, however,* That this shall not in any way reduce the amount of the monthly compensation payable in case of disability or death." (Act June 5, 1924, sec. 2, 42 Stat.)

See note to preceding section.

Act September 7, 1916, ch. 458, sec. 40, amended by this section, is set forth as sec. 1068.

Returns to Commissioner of Internal Revenue relating to payments made by United States.

All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in sections 254 and 255), of \$1,000 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment. (Act June 2, 1924, sec. 256, 42 Stat.)

These were provisions of the "Revenue Act of 1924," cited above, and are substantially the same as those of Act November 23, 1921, ch. 136, sec. 256, set forth as sec. 1115.

Deduction and withholding of income tax from payments by United States to nonresident aliens.

(a) All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States and not having an office or place of business therein), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and not having any office or place of business therein and composed in whole or in part of nonresident aliens, (other than income received as dividends of the class allowed as a credit by subdivision (a) of section 216) shall (except in the cases provided for in subdivision (b) and except as otherwise provided in regulations prescribed by the Commissioner under section 217) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 6 per centum thereof: *Provided*, That the Commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

* * * * *

(c) Every person required to deduct and withhold any tax under this section shall make return thereof on or before March 15 of each year and shall on or before June 15 pay the tax to the official of the United States Government authorized to receive it. Every such person is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section. (Act June 2, 1924, sec. 221, 42 Stat.)

These were provisions of the "Revenue Act of 1924," cited above.

Present furniture to be used.

The provision of the Treasury Department appropriation act for the fiscal year 1924, Act January 3, 1923, ch. 22, set forth as sec. 1323, was repeated in the act making appropriations for the Treasury and Post Office Departments for the fiscal year 1925, Act April 4, 1924, 42 Stat.

Transfer of surplus office materials, supplies, and equipment; price; disposal of proceeds; heads of departments to cooperate with Secretary of Treasury in storage, delivery, etc., of material and supplies.

For salaries of employees, office equipment, fuel, light, electric current, telephone service, maintenance of motor trucks, and other necessary expenses for carrying into effect the Executive order of December 3, 1918, regulating the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities, * * *: *Provided*, That the said Executive order shall continue in effect until June 30, 1925, without modification, except that the price charged shall be the current market value at time of issue, less a discount for usage, but in no instance shall the discount be more than 25 per centum, and that the proceeds from the transfer of appropriations thereunder shall

be covered into the Treasury as miscellaneous receipts: *Provided further*, That the heads of the executive departments and independent establishments and the Commissioners of the District of Columbia shall cooperate with the Secretary of the Treasury in connection with the storage and delivery of material, supplies, and equipment transferred under the foregoing order and for effecting the transfer or disposition of other surplus and waste material or supplies. (Act April 4, 1924, 42 Stat.)

These were provisions of the act making appropriations for the Treasury and Post Office Departments for the fiscal year 1925, cited above. Similar provisions were made in appropriation acts for the four preceding fiscal years.

Issue to departments, etc., of unfit typewriters and computing machines transferred to General Supply Committee.

That typewriters and computing machines transferred to the General Supply Committee as surplus, where such machines have become unfit for further use, may, in the discretion of the Secretary of the Treasury, be issued to other Government departments and establishments at exchange prices quoted in the current general schedule of supplies or sold commercially. (Act April 4, 1924, 42 Stat.)

This was a provision of the act making appropriations for the Treasury and Post Office Departments for the fiscal year 1925, cited above. Similar provisions were made in appropriation acts for the four preceding fiscal years.

Repairs to typewriting machines by General Supply Committee; payment.

Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the General Supply Committee, payment therefor to be effected by transfer and counter warrant, charging the proper appropriation and crediting the appropriation "General Supply Committee, Transfer of Office Material, Supplies, and Equipment." (Act April 4, 1924, 42 Stat.)

This was a provision of the act making appropriations for the Treasury and Post Office Departments for the fiscal year 1925, cited above. Provisions in the same language were made in appropriation acts for the three preceding fiscal years.

Maximum prices for typewriting machines.

The provision of the Treasury Department appropriation act for the fiscal year 1924, Act January 3, 1923, ch. 22, set forth as sec. 1355, was repeated in the act making appropriations for the Treasury and Post Office Departments for the fiscal year 1925, Act April 4, 1924, 42 Stat.

Purchase of typewriting machines to be made from surplus stock of General Supply Committee; unserviceable machines furnished for use in part payment for new machines; unserviceable machines accepted in exchange.

The provision of the Treasury Department appropriation act for the fiscal year 1924, Act January 3, 1923, ch. 22, set forth as sec. 1356, was repeated in the act making appropriations for the Treasury and Post Office Departments for the fiscal year 1925, Act April 4, 1924, 42 Stat.

Government motor vehicles in District of Columbia; tags; subject to regulations.

That all motor vehicles owned and officially used by the United States or by the District of Columbia shall carry registration tags of the same character and the operator of any such motor vehicle shall be subject to the same regulations and provisions as apply

to all other motor vehicles operated within the District of Columbia, all such registration tags and all registration certificates to be furnished without charge. (Act April 23, 1924, sec. 13, 42 Stat.)

This section and the section next following were part of an act entitled "An act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes," cited above.

Motor-vehicle fuel sold by Government agencies in District of Columbia for use in private vehicles; collection of tax.

That when under authority of law gasoline or other motor-vehicle fuel is sold by an agency of the United States within the District of Columbia, for use in privately owned vehicles, such agency of the United States shall, by agreement with the Commissioners of the District of Columbia, arrange for the collection of the tax of 2 cents per gallon herein authorized to be imposed, and for accounting to the collector of taxes of the District of Columbia for the proceeds of such tax collections. (Act April 23, 1924, sec. 14, 42 Stat.)

See note to preceding section.

Delivery to departments, etc., of narcotic drugs seized by United States.

The provisions of Act November 23, 1921, ch. 136, sec. 1007, set forth as sec. 1304, were repeated in Act June 2, 1924, sec. 707, 42 Stat.

Inspection of gas and electric meters of Government in District of Columbia.

The provision of the legislative appropriation act for the fiscal year 1924, Act February 20, 1923, ch. 98, set forth as sec. 1333a, was repeated in the similar act for the fiscal year 1925, Act June 7, 1924, sec. 1, 42 Stat.

Restriction on paying Government Printing Office employees detailed to other executive branches.

The provision of the legislative appropriation act for the fiscal year 1924, Act February 20, ch. 98, set forth as sec. 1409a, was repeated in the similar act for the fiscal year 1925, Act June 7, 1924, sec. 1, 42 Stat.

Public Printer to procure and furnish paper and envelopes in common use by two or more departments; reimbursement.

The Public Printer is hereby authorized to procure, under direction of the Joint Committee on Printing as provided for in the Act approved January 12, 1895, and furnish on requisition paper and envelopes (not including envelopes printed in the course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia, and reimbursement therefor shall be made to the Public Printer from appropriations or funds available for such purpose; paper and envelopes so furnished by the Public Printer shall not be procured in any other manner thereafter. (Act June 7, 1924, sec. 1, 42 Stat.)

This was a provision of the legislative appropriation act for the fiscal year 1925, cited above.

INDEX.

ACCOUNTS AND ACCOUNTING

(See <i>Moneys</i> .)	Section.
Adjustment in General Accounting Office	1195
Administrative examination	1207, 1208
Forms, systems, and procedure for	1214
Regulations for	1208
Rendition for	1204
Report to Congress on adequacy and effectiveness of	1215
Settlement without	1206
Advances of money under Forest Service appropriations, for fighting forest fires	137
Agricultural Department, by Secretary	130, 131
Examination by auditor	1201
Commissions and inquiries, not to be allowed or paid until special appropriations made	1179
Conclusiveness of certified balances	1199, 1202
Deficiency in, limitation of action against sureties	1243
Notice to sureties	1243
Deposit with auditors of contracts connected with settlement of	1372
Disbursing officers, decrees of Court of Claims	1396
Disposal of accounts unchanged for three years	1223
Failure to render accounts, proceedings	1249
Inspection of books, etc., relating to	1217
Time of rendition	1236
Distinct accounts by appropriations	1237
Distress warrant against officer receiving money for failure to account	1239-1242, 1245-1254
Examination by auditor	1201
Failure to render account by officer disbursing money, proceedings	1249
Failure to render account as required of money received, distress warrant	1239-1242, 1245-1254
False entries in, officer, etc., making, punishment	1280
Fiscal year of Treasury in matters of	1196
Forms, systems, and procedure	1214
Fuel for Government in District of Columbia	1348
Inspection of books, etc., relating to	1217, 1218
Money	1235-1237
Payment through disbursing officers of accounts settled in General Accounting Office	1213
Premiums on sales of moneys	1263
Preservation of, by auditors	1202
Property	43, 1209-1212
Punishment	1283
Regulations by heads of departments for administrative examination of	1208
Regulations by Secretary of Treasury	1204, 1208
Rendition for administrative examination and transmission to auditors	1204
Report of delinquents to Congress	1205
Settled by auditors, preservation	1202
Revision by Comptroller of Treasury	1202
Discontinued	1199
Precluded by payment	1202
Suspension of payment and reexamination	1202
Settlement and adjustment in General Accounting Office	1195
Settlement by auditors, conclusiveness of balances certified	1202
Settlement, particular accounts	1203
Without administrative examination	1206
Suspension of particular items by auditors	1202

ACCOUNTS AND ACCOUNTING—Continued	Section.
Travel and other expenses, oaths for, administered by whom, charges forbidden.....	1021
ACKNOWLEDGMENTS	
Notaries public, authority to take.....	1022, 1022a
Officer making false, punishment.....	1381
ADAMS ACT	
Text.....	442-447
ADDING MACHINES	
Exchange of, reports to Congress.....	1353
ADDRESSING MACHINES	
Agricultural Department, exchange of.....	55
ADULTERATION	
Foods and drugs.....	266-277
Insecticides and fungicides.....	250-262
Seeds.....	222-228
ADVANCES	
Appropriations, Department of Agriculture.....	134
Forest Service, for fighting forest fires.....	135
Moneys, prohibited.....	1260
Disbursing officers, permitted.....	1260
Subscriptions to periodicals for departments, authorized.....	1261
Subscriptions for publications for Agricultural Department, authorized.....	133
ADVERTISEMENTS	
Contracts and supplies, Agricultural Department, unnecessary when.....	136, 137
Exigencies.....	1337
Miscellaneous supplies.....	1338
Personal services.....	1337
Publication in District of Columbia restricted.....	1341
General provisions.....	1337-1344
Lands open to homestead entry in national forests.....	725
Packets, etc., for seeds.....	76
Payment for without written authority prohibited.....	1343, 1344
Publication in District of Columbia.....	1339-1343
Number of newspapers.....	1343
Payment for without written authority prohibited.....	1343
Rates of compensation.....	1343
Publication without written authority prohibited.....	1344
Rates of payment.....	1342
ADVISORY BOARD FOR HYGIENIC LABORATORY OF PUBLIC HEALTH SERVICE	
Detail of expert from Bureau of Animal Industry to.....	107
ADVISORY COMMITTEE FOR AERONAUTICS	
Appointment of representative of Weather Bureau as a member.....	162
AFFIDAVITS	
Employees partially disabled, as condition for compensation under Employees' Compensation Act.....	1036
Forging, etc., punishment.....	1269
Notaries public authorized to take.....	1022a
AGENTS	
(See <i>Disbursing Officers and Agents; Special Agents.</i>)	
Accounts, distinct accounts of moneys by appropriations.....	1237
Failure to render accounts for moneys.....	1283
False entries in, punishment.....	1280
False report of moneys, punishment.....	1280
Rendition for administrative examination.....	1235
Agricultural Department, certificates as to quality and condition of farm products.....	87
Compensation, apportionment for part of year's service.....	1010
Employment beyond provisions of law prohibited.....	987
Extortion, punishment.....	1092
Forest Service, restriction on traveling expenses.....	579
Interest in Indian contracts prohibited, punishment.....	1374
Interested persons acting as, in transactions with Government prohibited, punishment.....	1375

AGENTS—Continued

Section.

Irregularity or misconduct, investigations, oaths	1085
Obscene literature, etc., aiding trade in, punishment	1108
Receipting for larger sums than paid, punishment	1279
Requiring or permitting employees on public works more than eight hours' labor	1365, 1366
Punishment	1366
Unauthorized employment prohibited	987

AGRICULTURAL ASSOCIATIONS

(See *Associations of Producers of Agricultural Products.*)

AGRICULTURAL COLLEGE ACTS

(See *Agricultural Colleges.*)

Text	414-421
------	---------

AGRICULTURAL COLLEGES

Appropriations for more complete endowment and maintenance, amounts	415, 421 (1)
Annual ascertainment and certification of amounts due States and Territories	418
Appeal to Congress	418
Certificates withheld	418
Diminution, etc., of moneys to be replaced by States and Territories	417
Distinction of race or color not to be made by colleges receiving	415
Division of fund between separate colleges for white and colored students	415
Legislative assent or assent by governor	416
Purposes	415, 421
Moneys not to be applied to buildings	417
Reports of amounts received and disbursement	416
Reservation of power to amend or repeal act	420
Time, manner, etc., of payments to States and Territories	416, 421 (2)
Cooperative agricultural extension work, Agricultural Department to cooperate with agricultural colleges	422
Appropriations, additional appropriations	424
Amounts	424
Annual ascertainment and certification of amounts due States	427
Appeal to Congress	427
Diminution, etc., of moneys to be replaced by States	426
Legislative assent or assent by governor	424
Limitation of amount to be applied to printing, etc.	426
Manner of allotment and payment to States	424
Moneys not to be applied to buildings, etc.	426
Payment to States conditioned on appropriation by States	424
Permanent annual appropriations, amount	424
Plans for work to be submitted and approved before funds available	424
Reports of amounts received and disbursement	425
Time, manner, etc., of payment	425
Correspondence, bulletins, and reports for furtherance of, transmitted in mails free	430
Nature and manner of carrying on	423
Reports by Department of Agriculture on work and expenditures, printing, number of copies, allotment	127
Reports by Secretary of Agriculture of receipts, expenditures, and results of work	428
Reports of amounts of appropriations received and disbursement	42
Reports of operations, receipts, and expenditures	426
Reservation of power to alter, amend, or repeal act	429
Coordination by Secretary of Agriculture of work of department with that of colleges	452, p. 723
Experiment stations in connection with	431-451
Investment of proceeds of lands granted to States and Territories	414
Reports by Department of Agriculture on work and expenditures, printing, number of copies, allotment	127
Report by Secretary of Interior of disbursements and withholding of appropriations	417

	Section.
AGRICULTURAL COLLEGES—Continued	
Reports of amounts of appropriations received and disbursement	416
Reports of condition and progress, etc.	417
AGRICULTURE EXPERIMENT STATION ACTS	
(See <i>Agricultural Experiment Stations</i> .)	
Text	431-448
AGRICULTURAL EXPERIMENT STATIONS	
Annual appropriations from sales of public lands	435
Division between agricultural colleges in States having two	431
Grants of moneys, legislative assent or assent by governor	439, 441
Limitation of amount to be expended for buildings	435
Payment to Georgia Experiment Station	449
Time, manner, etc., of payment to States	435
Unexpended portions to be deducted from succeeding ap- propriations	436
Application of law in States having experiment stations separate from agricultural colleges	438
Bulletins, publication and distribution	434
Coordination by Secretary of Agriculture of work of department with that of stations	452, p. 723
Employees of in Alaska, Hawaii, Porto Rico, Guam, and Virgin Is- lands, leave of absence	28
Establishment under direction of agricultural colleges	431
Examination of soils	450
Experimental grass stations	451
Financial statements	433, 444
Form of	452, p. 723
Georgia Experiment Station, payment of appropriations to	449
Increased annual appropriations, amounts	442, 448
Annual ascertainment and certification of amounts due States	445
Appeal to Congress	445
Certificate withheld	445
Construction of act	448
Diminution, etc., of moneys to be replaced by States	444
Legislative assent or assent by governor	443
Limitation of portion to be applied to buildings	444
Payment to Georgia Experiment Station	449
Reports of amounts received and disbursement	443
Time, manner, etc., of payment to States	443
Object and duty	432
Products from stations in Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands, sale of	66, p. 716
Publications, sale of copies of card indexes of	61, 62
Relation of agricultural colleges to State governments not affected by act establishing	437
Reports, publication and distribution	434
Reports by Department of Agriculture on work and expenditures, printing, number of copies, allotment	127
Reports by Secretary of Agriculture on receipts, expenditures, and work and withholding of appropriations	446, 452, p. 723
Reports of amounts of appropriations received and disbursement	443
Reports of operations, receipts and expenditures	433, 444
Researches, scope of	432
Reservation of powers to amend, suspend, or repeal acts	440, 447
Secretary of Agriculture, administration of law by	445
Supervision by	433
AGRICULTURAL EXTENSION WORK	
(See <i>Agricultural Colleges</i> .)	
AGRICULTURE, DEPARTMENT OF	
(See <i>Bureau of Animal Industry; Departments; Forest Service; Secretary of Agriculture; Weather Bureau</i> .)	
Accounts, examination by auditor	1201
Certificates of balances	1201
Secretary to render	130
Manner and time	131
Addressing machines, exchange of	55

AGRICULTURE, DEPARTMENT OF—Continued	Section.
Advances from appropriations, bonds.....	134
Forest Service appropriations, bonds, accounts.....	135
Subscriptions for publications.....	133
Animals and animal products, sale or exchange of.....	164, 165
Apparatus and equipment, exchange of.....	58
Appropriations, advances from.....	134
Advances from for subscriptions for publications.....	133
Advances under appropriations for Forest Service for fighting forest fires.....	135
Contingent expenses, purchases for bureaus, etc., from, reimbursement.....	132
Interchange of appropriations for miscellaneous expenses and appropriations for general expenses.....	132b, p. 719
Lump-sum, appointments, promotions, and changes in salaries paid from.....	14
Exchange of typewriters, etc., purchased from.....	55
Payment of increased salaries from.....	15
Purchase, maintenance, etc., of passenger-carrying vehicles from.....	142, p. 719
Reimbursement of appropriations for contingent expenses for purchases from.....	132
Statement of officers, clerks, and employees on.....	145
Mechanical shops, reimbursement from appropriations for bureaus, etc., for work performed therefor.....	132a
Payment of expenses of delivery of lectures, etc., and acquiring information relating to department work.....	34
Purchase of mileage and mileage books from.....	30
Reimbursement for cost of inspection of meat and meat-food products for Navy Department.....	216a
Report of expenditure of.....	139
Secretary to direct and superintend expenditure of.....	130
Weather Bureau to be made with those of department.....	151
Arlington estate, land of set apart for experimental agriculture.....	45-49
Assignment of pay, by employees.....	29
Assistant chemist, salary.....	8
Assistant Secretary, appointment.....	3
Duties.....	3, 7
Salary.....	4
Assistant superintendent of experimental gardens and grounds, salary.....	8
Assistant superintendent of seed room, salary.....	8
Attendants in museum, salary.....	8
Automobiles, mileage allowance for.....	33a, p. 715
Baskets for small fruits, etc., and vegetables, examination and test.....	306
Birds, preservation, distribution, introduction, and restoration.....	82
Regulations for protection of migratory game and insectivorous birds.....	470
Bison, supplying, loan, and exchange.....	67
Blue prints, sale of.....	63
Board of Tea Appeals, designation of employees to serve as.....	80
Powers and duties.....	80
Books and periodicals, exchange of.....	59
Botanist, appointment.....	9
Salary.....	8
Buildings, rent of, report to Congress.....	147
Bulletins, cooperation agricultural extension work, furtherance of, transmission through mails free.....	430
Farmers' bulletins.....	112, 113
Federal Farm Loan Board, distribution.....	108
Printing, number of copies.....	118
Weather Bureau, printing, number of copies.....	118
Bureaus, Agricultural Economics, powers and duties of Bureau of Markets, Bureau of Markets and Crop Estimates, and Office of Farm Management and Farm Economics transferred to.....	11b
Animal Industry, establishment.....	163

AGRICULTURE, DEPARTMENT OF—Continued

Section.

Bureaus—Continued

Appointments from to Federal Horticultural Board.....	240
Chemistry, examination of specimens of foods and drugs.....	269
Laws relating to former division made applicable to.....	10
Crop Estimates, powers and duties of Bureau of Statistics transferred to.....	11
Powers and duties of, transferred to Bureau of Markets and Crop Estimates.....	11a
Dairying, establishment.....	p. 720
Transfer of activities to.....	p. 720
Entomology, appointment from to Federal Horticultural Board.....	240
Transfer of land in Forest Grove, Oreg., for use of.....	52
Examination of specimens of insecticides and fungicides.....	253
Forestry, laws relating to former division made applicable to.....	10
Interchange of appropriations.....	132b, p. 719
Markets, administration of oats, examination of witness, and production of books and papers in performance of duties.....	86
Powers and duties of, transferred to Bureau of Agricultural Economics.....	11b
Production of books and papers in performance of duties.....	86
Markets and Crop Estimates, powers and duties of Bureau of Statistics and Bureau of Crop Estimates transferred to.....	11a
Powers and duties of, transferred to Bureau of Agricultural Economics.....	11b
Office of Farm Management and Farm Economics, powers and duties of, transferred to Bureau of Agricultural Economics.....	11b
Plant Industry, appointment from to Federal Horticultural Board.....	240
Laws relating to former divisions made applicable to.....	10
Purchases for from appropriations for contingent expenses and reimbursement from lump-fund appropriations.....	132
Reimbursement of appropriations for mechanical shops for work done for.....	132a
Soils, laws relating to former division made applicable to.....	10
Statistics, cotton crop reports.....	119-123
Powers and duties of, transferred to Bureau of Crop Estimates.....	11
Powers and duties of, transferred to Bureau of Markets and Crop Estimates.....	11a
Weather Bureau, appropriations for, to be made with those of other bureaus of department.....	151
Establishment.....	148
Estimates for by Secretary of Agriculture.....	151
Card index, agricultural literature, sale of copies.....	60-62
Publications of department, sale of copies.....	60
Carpenter, salary.....	8
Certification of quality and condition of perishable farm products in interstate commerce.....	87, p. 716
Chemist, appointment.....	9
Salary.....	8
Chief clerk, appointment.....	9
Bond.....	38
Salary.....	8, 9
Clerks, estimates for.....	145, 146
Statement in.....	145, 146
Commissioner, duties performed by Secretary.....	6
Commissions of officers to be made out and recorded in department.....	40
Computing machines, exchange of.....	55
Cones, purchase for national forests without advertisement.....	137
Consular reports to, on agricultural and horticultural industries in foreign countries.....	116, 117
Containers for small fruits and vegetables, examination and test.....	306
Contingent expenses, purchases from appropriations for.....	132
Contracts, supplies, when advertising unnecessary.....	136
Supplying packets, etc., and packeting, etc., seeds, etc.....	76

AGRICULTURE, DEPARTMENT OF—Continued

Section.

Cooperative activities with State and other agencies, payment of contributions	36
Salaries of officers and employees engaged in, payment from contributions	37
Cooperative agricultural extension work with agricultural colleges	422
Reports of work and expenditures, preparation, printing, number of copies, allotment	127
Copies of Official Register for	1452
Copies of statutes, pamphlet, for	71
Copies of Statutes at Large for	72
Copies of Supreme Court Reports for	73
Cotton crop reports	114, 119-123, pp. 716-719
Condition of crop, time of issue	114
Discontinuance of acreage reports based on intention to plant	p. 716
Estimate of total production, issuance	120
Number of acres in cultivation, issuance	119
Publication of Census statistics	122, 123, pp. 717, 718
Semimonthly reports as to condition, progress, and probable production	pp. 716, 717
Approval and release	p. 716
Issuance	p. 719
Time of issue	p. 719
Crop reports, giving advance information	1106
Issuing false reports	1107
Monthly	114-116, 118
Approval	114
Contents	114
Information obtained through consuls, etc., embodied in	116
Time of issue	114
Monthly Crop Report, printing, number of copies	118
Time of printing and distribution	115
Design and duties	1
Details, employees from and to Division of Accounts and Disbursements	23
Employees from and to library	22
Employees from and to Office of Secretary	21
Law clerks in and out of Washington	24
Medical officers of Public Health Service for administration of Food and Drugs Act	280
Disbursing clerk, administrative officer of fiscal affairs of department	13
Deputy, authority, bond, liabilities	13
Salary	8
Division of Accounts and Disbursements, details of employees from and to	23
Documents allotted to, annual report of Bureau of Animal Industry	111
Annual report of Secretary	111
Annual report of Chief of Weather Bureau	111
Farmers' bulletins	112
Official Register	1452
Report on agricultural experiment stations and cooperative agricultural extension work	127
Report on field operations of Division of Soils	128
Report on progress of beet-sugar industry	129
Statutes, pamphlet copies	71
Statutes at Large	72
Supreme Court Reports	73
Documents and publications, disposition of worthless	69
Dry-farming station in Oklahoma, lands set aside for	50
Dry-land agriculture, exchange of public lands for State-owned lands in North Dakota for experiments in	51
Duplicating machines, exchange of	55
Employees—	
Appointment	9
Assaulting, etc., Bureau of Animal Industry	167
Execution of Cotton Standards Act	290ii
Execution of Grain Standards Act	300

AGRICULTURE, DEPARTMENT OF—Continued

Section.

Employees—Continued

Assignment of pay by.....	29
Cooperative activities with State and other agencies, payment of salaries from contributions to.....	37
Designation to serve as Board of Tea Appeals.....	80
Details, Division of Accounts and Disbursements, from and to.....	23
Library, from and to.....	22
Office of Secretary, from and to.....	21
Estimates for.....	145
Statement in.....	145
Expenses, delivering lectures, giving instructions, or acquiring information.....	34
Federal Horticultural Board, powers.....	241
Leave of absence to.....	25-28
Migratory Bird Treaty Act, authority and powers.....	475
Mileage and mileage books for.....	30
Salaries.....	9
Assignment.....	29
Changes in, payment out of lump funds.....	14
Maximum for scientific employees.....	18
Payment from roll of bureau, etc.....	20
Payment of increased, from lump-sum appropriations.....	15
Rate specified.....	19
Scientific, appointment.....	9
Maximum salary.....	18
Salaries.....	9
Scientific or technical, payment of increased salary from lump-fund appropriations.....	15
Street car fares, reimbursement.....	32
Traveling expenses, details from and to Division of Accounts and Disbursements in or out of Washington.....	23
Per diem in lieu of.....	31
Purchase of mileage and mileage books.....	30
Subsistence.....	31
Transfer from one station to another.....	33
Engineer, salary.....	8
Entomological commission, work transferred from Interior Department.....	31
Entomologist, appointment.....	9
Salary.....	8
Establishment.....	1
Estimates, enforcement of Alaska game law.....	488
Expenditures from national forest special fund.....	566
Officers, clerks, and employees.....	145
Order and arrangement.....	146
Statements in, clerks under general appropriations.....	145, 146
Completed investigations and services.....	143, 144
Meat-inspection employees.....	212(22)
Officer, clerks, and employees under lump-fund appropriations.....	145
Quantity and value of earth, stone, and timber taken from national forests for use of Navy and Alaskan railways.....	558
Rent of buildings.....	147
Weather Bureau.....	151
Exchange, addressing machines.....	55
Animals or animal products.....	164, 165
Bison.....	67
Books and periodicals.....	59
Computing machines.....	55
Duplicating machines.....	55
Scientific apparatus and laboratory equipment.....	58
Typewriters.....	55
Vehicles.....	56, p. 719
Parts, etc.....	57, p. 719
Executive department.....	2

AGRICULTURE, DEPARTMENT OF—Continued		Section.
Expenditures, accounts of		130
Agricultural experiment stations, reports	127, 452, p. 723	
Annual report of		138, 139
Cooperative agricultural extension work, reports		127
Federal Highway Act, reports		529
Incidental to delivering lectures, giving instruction, or acquiring information, payment		34
Supervision by Secretary		130
Suppression of animal diseases, reports		140
Vehicles and motor boats, reports	142, p. 719	
Experiment station, reports		127
Facilities for research accessible to investigators and students		109
Farm products, certification quality and conditions of		87
Farmers' bulletins	112, 113, p. 716	
Federal Board for Vocational Education, cooperation with Agricultural Department		102
Federal Farm Loan Board, distribution of bulletins of		108
Federal Horticultural Board, appointment of members from bureaus, etc.		240
Powers of employees		241
Federal Power Commission, work to be performed by and through Agricultural and other departments		105
Files, disposal of worthless		69
Films, loan, rent, or sale of copies		65
Foods and drugs, examination of specimens		269
Food and Drugs Act, detail of medical officers from Public Health Service for administration of		280
Report of compensation and expenses of State, etc., officers, etc., in carrying into effect		141
Forester, copies of Supreme Court reports for		73
Forest maps, sale of		63
Forest Service, advances under appropriations for		135
Appointment from to Federal Horticultural Board		240
Leaves of absence to employees in Alaska		26
Furniture, custody of		41
Purchase from appropriations from contingent expenses		132
Game birds, preservation, distribution, introduction, and restoration		82
Game wardens in Alaska, authority and powers		83
Importation, adult honeybees for experimental or scientific purposes	262a	
Nursery stock, etc., for experimental or scientific purposes	229, 242	
Plants, trees, shrubs, etc., seeds, exempt from duty		70
Insecticides and fungicides, examination of specimens		253
Inventory of property		43
Investigations completed, reports to Congress	143, 144	
Laboratory equipment, exchange of		58
Laborers transferred from lump funds to statutory rolls placed in classified service		16
Promotion without examination		17
Lantern slides, sale of	63, 64	
Law clerks, details of for service in or out of Washington		24
Laws applicable to continue in force		5
Leaves of absence to employees outside of Washington		25
Forest Service, in Alaska		26
In Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands	27, 28	
Librarian, salary		8
Library, custody of		41
Detail of employees from and to		22
Exchange of books and periodicals not needed		59
Lump-sum appropriations, appointments, promotions, and changes in salaries paid from		14
Exchanges of typewriters, etc., purchased from		55
Payment of increased salaries from		15
Purchase, maintenance, etc., of passenger-carrying vehicles from	142, p. 719	
Reimbursement of appropriations for contingent expenses for purchases from		132
Statement of officers, clerks, and employees on		145

AGRICULTURE, DEPARTMENT OF—Continued		Section.
Mails, correspondence, bulletins, and reports for furtherance of co-		
operative agricultural extension work transmitted free.....	430	
Registry free.....	1469	
Seeds and reports transmitted free.....	77	
Maps, forest, sale of.....	63	
Weather Bureau, printing, number of copies.....	118	
Sale of surplus.....	159	
Meat-inspection certificates, filing in.....	204, 212(16)	
Mechanical shops, reimbursement of appropriations for work per-		
formed for bureaus, etc.....	132a	
Microscopist, salary.....	8	
Migratory Bird Treaty Act, enforcement.....	475	
Migratory game and insectivorous birds, regulations for protection.....	470	
Mileage allowance for motor cycles and automobiles.....	33a, p. 715	
Mileage and mileage books, purchase for employees.....	30	
Monthly Crop Report, printing, number of copies.....	118	
Time of printing and distribution.....	115	
Monthly crop reports.....	114-116, 118	
Approved by Secretary.....	114	
Contents.....	114	
Information obtained through consuls, etc., embodied in.....	116	
Motor cycles, mileage allowance for.....	33a, p. 715	
Motor vehicles, exchange of.....	56, p. 719	
Parts, etc., exchange of.....	57, p. 719	
Purchase, maintenance, etc.....	142, p. 719	
Reports of expenditures for.....	142, p. 719	
Motor vehicles and equipment, transfer by Secretary of War for		
improvement of highways.....	506	
Transfer by Secretary of War for improvement of highways,		
freight charges on property transferred.....	508	
Payment by States for property received.....	508	
Prohibition of expenditure for maintenance, etc., of vehicles		
not applicable to vehicles transferred.....	510	
Title to property transferred to States.....	509	
Nursery stock, importation for experimental or scientific purposes.....	229, 242	
Purchase for national forests without advertisement.....	137	
Office of Farm Management Farm Economics, powers and duties of,		
transferred to Bureau of Agricultural Economics.....	11b	
Officers, assaulting, etc., Bureau of Animal Industry.....	167	
Assaulting, etc., execution of grain standards act.....	300	
Commissions, recording.....	40	
Seal to be affixed.....	40	
Cooperative activities with State and other agencies, payment		
of salaries from contributions to.....	37	
Estimates for.....	145	
Statement in.....	145	
Street-car fares, reimbursement.....	32	
Traveling expenses, per diem in lieu of.....	31	
Subsistence.....	31	
Transfer from one station to another.....	33	
Passenger-carrying vehicles, exchange.....	56	
Parts, etc., exchange.....	57	
Purchase, maintenance, etc.....	142, p. 719	
Reports of expenditures for.....	142, p. 719	
Pathological and zoological specimens, sale of.....	166	
Periodicals, exchange of.....	59	
Photographic prints, sale of.....	63, 64	
Plants, importation exempt from duty.....	70	
Importation for experimental or scientific purposes.....	229, 242	
Purchase and distribution.....	1, 74-76	
Potomac Park, temporary occupation of areas in.....	44	
Property, custody of.....	41	
Inventory of.....	43	
Sale of condemned property.....	63	
Publications, card indexes, sale of copies.....	60-62	
Disposition of worthless.....	69	
Sale of surplus of Weather Bureau.....	159	

AGRICULTURE, DEPARTMENT OF—Continued	Section.
Purchase and distribution of seeds, etc.	75, 76
Purchase, lands in California for experiment vineyard	54
Lands in California, Washington, Florida, and Georgia for propagating, etc., plants	53
Mileage and mileage books for employees	30
Seeds, plants, etc., for distribution	75, 76
Seeds, etc., and nursery stock for national forests without advertisement	137
Supplies, when advertisement unnecessary	136
Supplies, etc., from appropriation for contingent expenses, reimbursement from lump-fund appropriations	132
Vehicles and boats	142, p. 719
Records, custody of	41
Registered mail	1469
Rent of buildings, reports	147
Reports, annual report of Secretary, expenditures	110, 138, 139
Annual report of Secretary, moneys received and expended	110
Printing, allotment of copies to Department	111
Allotment of copies to department	111
Beet-sugar industry, allotment of copies to department	129
Bureau of Animal Industry, allotment of copies to department	111
Compensation or expenses of State, etc., officers, under Foods and Drugs Act	141
Cooperative agricultural extension work, preparation, allotment of copies to department	127
Cotton crop	114, 119-123, pp. 716-719
Clerks, lump-fund appropriation	145, 146
Employees, lump-fund appropriations	145
Federal highway act	529
Meat inspection	212(22)
Suppression of contagious, etc., diseases of animals	140
Exchanges of vehicles	56
Expenditures	110, 138, 139
Federal Highway Act	529
Roads and trails in national forests, construction in co-operation with States, etc.	573, 573a
Suppression of contagious, etc., diseases of domestic animals	140
Vehicles and motor boats	142, p. 719
Federal Highway Act	529
Field operations of Division of Soils, allotment of copies to department	128
Grain samples of	85
Monthly Crop Report	114, 115, 118
Monthly crop reports	114-116, 118
National forests, contributions toward cooperative work in forest investigations	570
Earth, stone, and timber taken for use of Navy and Alaskan railways	558
Refunds of sums erroneously collected for use of lands, etc.	569
Roads and trails, expenditures for construction in cooperation with States, etc.	573, 573a
Officers, clerks, and employees on lump-fund appropriations	145
Passenger-carrying vehicles and motor boats, expenditures for	142, p. 719
Printing, number of copies	118
Rent of buildings	147
Seed, etc., purchase for distribution	76
Seed and grain, samples of	85
Services duplicated	144
Special reports by Secretary	110
Suppression of contagious, etc., diseases among domestic animals	140
Transmission through mails free	77
Work and expenditures of agricultural experiment stations and of Department in connection therewith and on cooperative agricultural extension work and expenditures of Department and of agricultural colleges, printing and distribution of copies	127

AGRICULTURE, DEPARTMENT OF—Continued	Section.
Salaries, assignment.....	29
Changes in, payment from lump funds.....	14
Increased, payment from lump-sum appropriations.....	15
Maximum for scientific investigators.....	18
Payment from contributions from outside sources in cooperative activities.....	37
Payment from roll of bureau, etc.....	20
Rate specified.....	19
Sales, animals or animal products.....	164, 165
Blue prints.....	63
Condemned property.....	63
Copies of card indexes of agricultural literature.....	60-62
Copies of forms of official cotton standards.....	84, 290ff, 387
Films.....	65
Forest maps.....	63
Lantern slides.....	63, 64
Pathological and zoological specimens.....	166
Photographic prints.....	63, 64
Products from lands of experiment stations in Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands.....	66, p. 716
Samples of sugars, naval stores, microscopical specimens, etc.....	68
Surplus maps or publications of Weather Bureau.....	159
Transparencies.....	63
Waste paper.....	69
Worthless documents and publications.....	69
Scientific apparatus and laboratory equipment, exchange of.....	58
Scientific investigators or employees, maximum salary.....	18
Scientific or technical employees, payment of increased salary from lump-fund appropriations.....	15
Seal.....	39
Affixation to officers' commissions.....	40
Secretary, appointment.....	2
Control and supervision of department.....	2
Duties of former Commissioner performed by.....	6
General powers and duties.....	74
Reports, annual.....	110
Special.....	110
Salary.....	4
Seeds, importation exempt from duty.....	70
Purchase and distribution.....	1, 74-76
Allotment to Members of Congress.....	76
Contracts for packets and packeting, etc.....	76
Franks for mailing.....	78
Reports as to purchase.....	76
Purchase for national forests without advertisement.....	137
Reports on samples examined.....	85
Tests for adulteration and misbranding, publication of results.....	228, p. 721
Transmission through mails free.....	77
Shrubs, importation exempt from duty.....	70
Purchase and distribution.....	1, 75-76
Soils Division, report on field operations, allotment of copies to department.....	128
Solicitor, legal work of department performed under.....	12
Stationery, purchase from appropriations for contingent expenses.....	132
Statistician, salary.....	8
Street car fares, reimbursement of officers and employees for.....	32
Subscriptions for publications, payment in advance.....	133
Superintendent, experimental gardens and grounds, salary.....	8
Folding room, salary.....	8
Seed room, salary.....	8
Supervision and control of Secretary.....	2
Supplies, purchase from appropriations for contingent expenses.....	132
Purchase without advertising when amount does not exceed \$50.....	136
Transfer by Secretary of War for highway improvement.....	504, 507, 508
Telephone supplies, transfer by Secretary of War for use of Forest Service.....	574

AGRICULTURE, DEPARTMENT OF—Continued	Section.
Tractors, transfer by Secretary of War for road construction.....	510a
Transfer from Interior Department of lands in Fort Keogh Military Reservation for experiments in stock raising and growing for-age crops.....	p. 715
Transparencies, sale of.....	63
Traveling expenses, details from and to Division of Accounts and Disbursements in or out of Washington.....	23
Mileage for motor cycles or automobiles.....	33a
Per diem in lieu of.....	31
Purchase of mileage and mileage books.....	30
Transfer from one station to another.....	33
Trees, importation exempt from duty.....	70
Seed, etc., purchase for national forests without advertising....	137
Typewriters, exchange of.....	55
Vehicles, exchange of.....	56, p. 719
Parts, etc., exchange of.....	57, p. 719
Purchase, maintenance, etc.....	142, p. 719
Reports of expenditures for.....	142, p. 719
Transfer of by Secretary of War for improvement of high-ways.....	506, 508-510
War material equipment, and supplies, transfer by Secretary of War for improvement of highways.....	504, 506, 507, 515
Transfer by Secretary of War for improvement of highways, distribution among States of property transferred.....	504, 515
Equipment and supplies, enumeration.....	507
Freight charges on property transferred.....	508
Limitation on quantity transferred.....	506
Payment by States for property received.....	508
Reservation of percentage of property transferred, for construction of national forest roads and trails.....	504, 515
Transfer to Secretary of Interior for construction of roads and trails in national parks and monuments....	p. 728
Waste paper, sale of.....	69
Watchmen, powers and duties.....	42
Weather Bureau.....	148-162
AIGRETTES	
Importation prohibited.....	455
ALABAMA	
Clearance from ports in of vessels laden with live oak timber.....	610
ALASKA	
Agricultural experiment station, sale of products from.....	66, p. 716
Employees of, leave of absence.....	28
Bird reservations under control of Agricultural Department, authority and powers of wardens.....	83
Export of pulp wood and wood pulp from.....	557
Fur-bearing animals, authority and powers of wardens of Agricultural Department over.....	83
Powers and duties of Secretary of Agriculture in respect to.....	83
Game, animals, defined.....	484
Birds, defined.....	484
Eggs of certain waterfowl, taking, etc., prohibited, punishment.....	493
Conflicting laws repealed.....	491
Estimates for enforcement of act, by Agricultural Department....	488.
Exportation, affidavits for.....	488
Licenses for.....	488
Without license and affidavit, prohibited.....	489
Guides, employment, licensing, etc.....	488
Hunting, except in open seasons, prohibited.....	485
For food and clothing not prevented.....	484
Licenses for.....	488
Limitation on quantity.....	486
Open seasons.....	485, 492
Restrictions on manner of.....	486
Without license, prohibited.....	488
Licenses for hunting and shipping.....	488

ALASKA—Continued

	Section.
Game, animals, defined—Continued.	
Powers and duties of Governor of Alaska transferred to Secretary of Agriculture.....	p. 727
Punishment for violations of act.....	490
Regulations by Secretary of Agriculture.....	485
Report by governor to Secretary of Agriculture as to licenses and exportations.....	488
Sale, etc., during close seasons, prohibited.....	487
Scientific specimens, collection not prevented.....	489
Shipping, affidavits for.....	488
Licenses for.....	488
Without license and affidavit, prohibited.....	489
Violations of act, forfeiture, punishment.....	490
Wanton destruction, prohibited.....	484
Wardens, duty and authority of.....	490
Employment of.....	488
Leave of absence, employees of Agricultural Department in.....	27, 28
Employees of Forest Service in.....	26
Oil or gas lands, prospecting permits and leases to bona fide claimants.....	789
Timber on public lands, cutting for certain purposes.....	616
Withdrawal of public lands and reservation for certain purposes.....	748
ALASKA GAME LAW (See <i>Alaska</i>)	
Text.....	484-491
ALCOHOL	
Purchase or importation by departments, etc., free of tax.....	1305
ALFALFA	
Importation of seeds adulterated or unfit for seeding.....	222-225
Test of seeds.....	228, p. 721
ALTERATION	
Bond, bid, contract, guarantee, security, record, affidavit, etc., to defraud United States, punishment.....	1269
Cotton standards.....	290hh
Deed, power of attorney, order, certificate, receipt, contract, etc., to obtain money from United States, punishment.....	1270
Licenses under Warehouse Act.....	344
Meat inspection marks, etc.....	204, 207, 212 (9)
Punishment.....	204, 207, 212 (18)
Plant inspection certificate, punishment.....	238
AMMUNITION	
Furnished to departments by Secretary of War for protection of public money and property.....	1300
Transfer of surplus by War Department to other Departments.....	1301
ANGELES NATIONAL FOREST	
Grant of rights of way to Los Angeles, Calif., for water and power, and electric plants.....	864-871
ANIMAL INDUSTRY ACT	
Text.....	140, 163, 168-175
ANIMALS AND ANIMAL INDUSTRY (See <i>Bureau of Animal Industry; Meat Inspection</i>)	
Dairy products for exportation, inspection, etc.....	218
Diseases, contagious, etc., agents to examine and report on means for suppression, etc.....	168
District of Columbia, duty of Commissioners.....	174
Exportation, cattle, etc., from infected localities, after inspection and certification.....	178
Inspection of cattle, etc., for.....	187, 192, 212 (10-12)
Diseased livestock, prevention.....	171
Fences along international boundary lines to keep out diseased animals.....	194
Importation, cattle, etc., except at quarantine ports, prohibited.....	190
Diseased or exposed cattle, etc., prohibited.....	188
Inspection of imported animals, etc.....	192
Neat cattle and hides thereof, prohibited.....	195
Suspension of prohibition.....	195
Quarantine of imported cattle, etc.....	189

ANIMALS AND ANIMAL INDUSTRY—Continued

Diseases, contagious, etc.—Continued

Important, cattle, etc.—Continued.	Section.
Slaughter of diseased or exposed animals imported	190
Suspension	191
Tick-infested cattle	193, p. 721
Inspection, cattle, etc., intended for export	187, 192, 212 (10-12)
Imported cattle, etc.	192
Investigations and reports	163, 170
Notice, infected localities	173
Quarantine of States, etc.	181
Regulations for inspection, disinfection, certification, etc., delivery and shipment of livestock from quarantined States, etc.	183
Payment for animals purchased and destroyed, basis for computation of value and amount to be paid	177, p. 721
Payment for tubercular animals destroyed	177a, p. 721
Quarantine, District of Columbia	174
Imported cattle, etc.	189
Regulations for inspection, disinfection, certification, etc., delivery and shipment of livestock from quarantined States, etc.	183
States, Territories, etc.	181
Transportation, etc., of livestock from	182-185
Regulations, exportation and transportation of livestock from infected localities	170, 178, 180
Inspection, disinfection, certification, etc., delivery and shipment of livestock from quarantined States, etc.	183
Suppression and extirpation	169
Splenic or Texas fever not considered contagious, etc.	172
Supervision of cattle, etc., shipped from infected localities	178
Suppression, cooperation of States	169
District of Columbia	174
Reports	140
Transportation, cattle, etc., from infected localities after inspection and certification	178
Diseased livestock prohibited	172
Prosecutions	175
Livestock from quarantined State, etc.	182-185
Extension of law to any carrier whose line forms any part of interstate route	186
Tuberculin-tested cattle, permitted	176
Exchange of animals or animal products	164, 165
Exportation, cattle, etc., from infected localities, after inspection and certification	178
Diseased livestock, prevention	171
Inspection of cattle, etc., for	187, 192, 212 (10-12)
Vessels to carry export cattle, examination	201
Regulations for accommodations	201, 202
Importation, animals for breeding purposes, certificates of pedigree and identity	203
Cattle, etc., except at quarantine ports, prohibited	190
Diseased or exposed cattle, etc., prohibited	188
Inspection, etc., of imported animals, etc.	192
Neat cattle and hides thereof, prohibited	195
Suspension of prohibition	195
Quarantine of imported cattle, etc.	189
Slaughter of diseased or exposed animals imported, ascertainment and payment of value	190
Suspension	191
Tick-infested cattle	193, p. 86
Inspection, appropriation	213
Dairy products	218
Exportation, cattle, etc., intended for	178, 187, 192, 212 (10-12)
Appropriation	213
Imported cattle, etc.	192
Meat	204-217
Process or renovated butter	219, 220

ANIMALS AND ANIMAL INDUSTRY—Continued	Section.
Investigations and reports.....	163
Meat inspection.....	204-217
Renovated butter, inspection.....	219, 220
Sale or exchange of animals or animal products.....	164, 165
Transportation, confinement in cars or vessels, estimating time.....	196
Confinement in cars or vessels, extension of time.....	196
Feeding and watering when unloaded.....	196, 197
By owner or carrier.....	197
Lien by carrier for food, etc.....	197
Limitation of time.....	196
Penalty for noncompliance with provisions.....	198
Recovery.....	199
Repeal of former laws.....	200
Unloading for rest, water, and feeding.....	196
Provisions not applicable when proper food, water, and opportunity to rest in car or vessel.....	198
Sheep, exception.....	196
Diseased livestock, prohibited.....	172
Inspected livestock from infected localities, permitted.....	178
Livestock from quarantined State, etc.....	182-185
Transfer of lands in Fort Keogh Military Reservation from Interior Department to Agricultural Department for experiments in stock raising, etc.....	p. 715
Tuberculin-tested cattle, permitted.....	176
Viruses serums, antitoxins, etc., for use in treatment of domestic animals, destruction or return of worthless, etc., imported.....	221(3)
Importation, without permit prohibited.....	221(2)
Worthless, etc., prohibited.....	221(2)
Inspection, imported viruses, etc.....	221(3)
Licensed establishments.....	221(7)
Licenses for establishments, issue, suspension, and revocation.....	221(4, 6)
Permits for importation, issue.....	221(5)
Suspension and revocation.....	221(6)
Preparation, sale, etc., of worthless, etc., viruses, etc., prohibited.....	221(2)
Preparation, sale, etc., unless prepared under regulations and at licensed establishments, prohibited.....	221(1)
Punishment for violations of law.....	221(8)
Regulations for prevention of preparation, sale, etc., or shipment of worthless, etc., viruses, etc.....	221(4)
Shipment, etc., of worthless, etc., viruses, etc., prohibited.....	221(1)
Shipment, etc., unless prepared under regulations and at licensed establishments, prohibited.....	221(1)
ANNUITIES	
(See <i>Employees.</i>)	
ANTIQUITIES	
Appropriation, destruction, etc., of objects of antiquity on lands of United States, punishment.....	600
Permits for examination, etc.....	602
Regulations for carrying out law.....	603
Relinquishment of private land claims.....	601
Reservation as national monuments.....	601
APPLES	
Barrels, branding grades.....	311
Misbranding.....	313
Standard for.....	309
Below standard, marking.....	312
Standard grades for.....	310
Branding barrels.....	311
Misbranding.....	313
Penalties for violations of act.....	314
APPOINTMENT	
Assistant Secretary of Agriculture.....	3
Board of Tea Appeals.....	80
Board of tea experts.....	282
Botanists, Agricultural Department.....	9

APPOINTMENT—Continued

	Section.
Chemists, Agricultural Department.....	9
Chief clerk, Agricultural Department.....	9
Chief of Bureau of Animal Industry.....	163
Chief of Bureau of Dairying.....	p. 720
Chief of Weather Bureau.....	150
Civil Service, apportionment among States.....	927
Certificates of health.....	936
Examinations.....	927, 928, 931, 936
Intoxicants, excessive use of, a bar to.....	932
Limitation on members of same family.....	933, 936
Notice of selection to Civil Service Commission.....	927
Preference to persons honorably discharged from military or naval service.....	925, 931, 937
Probation period.....	927
Recommendations by Members of Congress restricted.....	934
Regulations.....	924
Tuberculosis a bar.....	936
Disbursing clerks.....	975
Employees, Agricultural Department.....	9
Bureau of Animal Industry.....	163
Bureau of Dairying.....	p. 720
Printing offices in departments.....	1407
Weather Bureau.....	150
Entomologists, Agricultural Department.....	9
Federal Horticultural Board.....	240
Inspectors, cattle, etc.....	187, 189, 205, 212 (1, 11, 19)
Fuel in District of Columbia.....	1346, 1347
Meat.....	205, 212 (1, 2, 4, 14, 19)
Oath.....	939, 940
Officer to other lucrative office, restriction.....	1008
Polygamists ineligible for.....	938
Secretary of Agriculture.....	2
Vacancies filled during recess of Senate, salary not to be paid until confirmation by Senate.....	920

APPROPRIATIONS

(See *Estimates; Moneys.*)

Accounts of application of moneys to be rendered according to.....	1237
Acquisition of lands on headwaters of navigable streams.....	626
Act of Congress not construed to make unless specific.....	1175
Additional compensation to Government employees.....	1016
Agricultural colleges.....	414-421
Cooperative agricultural extension work.....	424-429
Agricultural Department, accounts by Secretary.....	130, 131, 139
Advances from.....	134
Advances under appropriations for Forest Service for fighting forest fires.....	135
Bureau of Dairying.....	p. 720
Contingent expenses, purchases from, reimbursement.....	132
Interchange of appropriations for miscellaneous expenses and appropriations for general expenses.....	132b, p. 719
Lectures, instruction, etc., payment of expenses.....	34
Lump-fund, appointments, promotions, and changes in salaries paid from.....	14
Exchange of typewriters, etc., purchased from.....	55
Payment of increased salaries from.....	15
Purchase, maintenance, etc., of passenger-carrying vehicles from.....	142, p. 719
Reimbursement of appropriations for contingent expenses for purchases.....	132
Statement of officers, clerks, and employees on.....	145
Purchase of mileage and mileage books from.....	30
Reimbursement for cost of inspection of meat and meat-food products for Navy Department.....	216a
Reimbursement of appropriations for mechanical shops for work performed for bureaus, etc.....	132a
Rent of buildings, report of expenditure.....	147

APPROPRIATIONS—Continued	Section.
Agricultural Department, accounts by Secretary—Continued.	
Report of expenditures.....	139
Supervision of expenditure.....	130
Agricultural experiment stations.....	435-449
Georgia.....	449
Alaska Game Act, enforcement, estimates by Agricultural Department.....	488
Amount, footing of paragraphs to determine.....	1178
Annual appropriation acts not construed as permanent.....	1193
Balances, application restricted to transactions of fiscal year of appropriation.....	1188
Disposal.....	1188-1192
Reappropriation to another purpose construed as new appropriation.....	1192
Buildings, available until completion of work.....	1194
Balance, disposal of.....	1194
Disbursement, compensation for.....	1260-1268
District of Columbia, renting until appropriation therefor prohibited.....	1358
Expenditure for electricity, restricted.....	1330
Expenditures to be within limit of cost.....	1364
Rent of storage accommodations in District of Columbia.....	1360
Supervising Architect, reimbursement for preparation of plans, etc.....	1315
Commissions and inquiries, accounts and charges of not to be paid until special appropriations made.....	1179
Commissions, councils, boards, etc., compensation and expenses not to be paid unless authorized by law.....	1180
Contingent expenses, apportionment in monthly allotments.....	1177
Expenditure for official or clerical compensation prohibited.....	1181
Expenses of procuring additional evidence of title to sites for buildings to be paid from.....	1311
Restriction on purchase of books etc., from.....	1183
Contingent funds, apportionment of contingent funds of departments to offices and bureaus.....	1186
Articles purchasable from not to be purchased from other funds.....	1186
Restriction on purchase from.....	1182
Contracts, act not construed to authorize contracts exceeding appropriations unless specific.....	1175
Buildings in excess of appropriation, prohibited.....	1361, 1364
Buildings to full cost limit though appropriations only partial.....	1363
In excess of appropriations, prohibited.....	1177
Officer contracting for building beyond appropriation, punishment.....	1362
Rent of building until appropriation made therefor, prohibited.....	1358
Without adequate appropriation, prohibited.....	1352
Cooperation by Secretary of Agriculture with States, etc., in assisting farmers in establishing forest growth.....	p. 732
Cooperation by Secretary of Agriculture with States, etc., in forest fire prevention and suppression.....	p. 732
Cooperation by Secretary of Agriculture with States in fire protection of forested watersheds.....	625
Cooperation by Secretary of Agriculture with States in procurement, production, and distribution of forest-tree seeds and plants.....	p. 732
Cooperative agricultural extension work.....	424-429
Cotton Futures Act, carrying out.....	396
Cotton Standards Act, carrying out.....	29011
Double salaries, prohibition of use for.....	1007
Employees compensation fund.....	1063
Employment except as specifically appropriated for, prohibited.....	985
Employment of personal services in excess of appropriations, prohibited.....	1117
Expenditures, carriages or vehicles for personal or official use, restricted.....	1024
Excess of, prohibited.....	1177
Horses, carriages, etc., for personal use, restriction.....	1023

APPROPRIATIONS—Continued

Agricultural Department, accounts by Secretary—Continued.		Section.
Passenger-carrying vehicles prohibited unless authorized by law	1024	1025
Private telephone service prohibited		1187
Restricted to objects for which made		1176
Transportation of remains of deceased employee prohibited unless specifically provided		1027
Experts, etc., inaugurating new methods of business, no compensation unless specifically provided		993
Experts, publicity, no compensation unless specifically appropriated		992
Federal aid highways	496, 503, 530, 535a, p.	727
Fiscal year of Treasury in matters of		1196
Forest Service, advances from for fighting forest fires		135
Use for preparation or publication of newspaper or magazine articles, prohibited		35
Use for traveling expenses restricted to purposes authorized by law		579
Grain Futures Act, administration of		412
Grain Standards Act, carrying into effect		302
Highways, Federal aid	496, 503, 530, 535a, p.	727
Horses and carriages, restriction on expenses for		1023
Incidental expenses, expenditure for official or clerical compensation prohibited		1181
Lump-sum appropriations, not available for payment of increased compensation		1002
Agricultural Department employees excepted		15
Exception of mechanics, artisans, etc.		1002
Payment of increased compensation from, to employee within year of employment in another department, etc., prohibited		1000, 1001
Statements required with estimates for, method of preparation		1169, 1170
Statements to accompany estimates for in Budget		1142
Meat Inspection Act, carrying into effect		213
Migratory Bird Treaty Act, carrying into effect		479
Miscellaneous, expenditure for official or clerical compensation prohibited		1181
Naval Stores Act, administration and enforcement		290h
National Forest Reservation Commission, expenses		637
Outstanding, statements in estimates		1168
Packers and Stockyards Act, carrying out		377
Printing and binding, debiting of cost		1420
Exceeding appropriations prohibited		1417
Items to be charged to		1422
Other appropriations not to be used		1157
Payment to employees of Government Printing Office detailed to other executive branch prohibited unless authorized by law		1409a
Restrictions on use for illustrations, etc.		1413
Use for maintaining more than one branch of Government Printing Office in any building or department prohibited		1409
Reappropriation of unexpended balance to another purpose construed as new appropriation		1192
Reports of expenditures, Agricultural Department		139
Rent, Agricultural Department		147
Vehicles and motor boats, Agricultural Department		142
Requests for not to be submitted to Congress by officers or employees except by request		1143
Restrictions on expenditures for passenger-carrying vehicles from		1023-1025
Roads and trails in national forests	573, 573c, p.	728
Salaries, disposition of unused appropriations for		985
Subscriptions for periodicals may be paid in advance from		1261
Use for influencing Members of Congress as to legislation, prohibited		1098
Vehicles, restrictions on expenditures	1023-1025	
Warehouse Act, carrying into effect		345
Weather Bureau, made with those of Agricultural Department		151

	Section.
ARIZONA	
Flagstaff, right of way for pipe line in San Francisco National Forest for water supply.....	862, 863
National forests within grants of school lands.....	577
Timber, mineral lands, cutting for certain purposes.....	614
Public lands, cutting for certain purposes.....	616
ARLINGTON ESTATE	
Portion of set apart for experimental agriculture.....	45-49
ARMS	
Furnished to departments by Secretary of War for protection of public money and property.....	1300
ARMY	
(See <i>Military and Naval Service; Secretary of War; Soldiers; War Department</i>)	
Detail of officers or enlisted men to work on roads, consent.....	505
Equalization of pay.....	505
Quartermaster General, transportation of Government property.....	1309
Retired officers and enlisted men excepted from limitation on double salary.....	1007
Retired officers and enlisted men holding other lucrative office.....	1008, p. 738
ASHLAND, OREG.	
Certain lands added to Crater National Forest for protection of water supply.....	678, 678a
ASSAULT	
Officer or employee of Agricultural Department in execution of grain standards act, punishment.....	300
Officer or employee of Bureau of Animal Industry, punishment.....	167
ASSISTANT SECRETARY OF AGRICULTURE	
Appointment.....	3
Duties.....	3, 7
Salary.....	4
ASSOCIATIONS OF PRODUCERS OF AGRICULTURAL PRODUCTS	
Associations authorized for collective marketing, etc., products.....	347a
Marketing agencies in common and contracts, etc., to effect purposes, authorized.....	347a
Monopolizing or restraining trade or unduly enhancing prices.....	347b
Complaint by Secretary of Agriculture.....	347b
Findings of Secretary of Agriculture prima facie evidence.....	347b
Hearing.....	347b
Order by Secretary of Agriculture to cease and desist.....	347b
Jurisdiction of district court.....	347b
Manner of serving.....	347b
Permanent injunction.....	347b
Temporary injunction.....	347b
Requirements.....	347a
ATTORNEY GENERAL	
(See <i>Justice, Department of.</i>)	
Associations of producers of agricultural products monopolizing or restraining trade, proceedings.....	374b
Claims pending in departments, services of counsel provided.....	1388, 1389
Court of Claims, appearance in suits in.....	1404, 1405
Evidence furnished by departments in suits in.....	1393
Distribution of Supreme Court Reports.....	73
Grain Futures Act, member of commission for suspension or revocation of designation of boards of trade as contract markets.....	406
Opinions, heads of departments.....	922
Title to land to be purchased by United States.....	1311
Packers and Stockyards Act, prosecution of violations.....	374
Recovery of forfeitures.....	368
Title, areas for Upper Mississippi River Wild Life and Fish Refuge, approval.....	p. 724
Lands for protection of watersheds, approval.....	631
Sites for buildings, abstracts, etc., furnished by grantors.....	1312
Additional evidence procured by departments.....	1311
Condemnation proceedings.....	1313
Legal services.....	1312
Opinion.....	1311

ATTORNEYS OR COUNSEL

	Section.
Compensation to other than district attorneys restricted.....	990
Employment by heads of departments prohibited.....	989
Services in investigation of claims in departments to be provided by Attorney General.....	1388, 1389

AUDITORS

(See <i>Accounts and Accounting; General Accounting Office.</i>)	
Conclusiveness of balances certified by.....	1202
Contracts deposited with.....	1372
Books, etc., transferred to General Accounting Office.....	1200
Decisions construing statutes reported to Comptroller of Treasury...	1202
Disapproval of requisitions for money in cases of delinquency in accounts.....	1204
Inspection of books, etc., of Government officers.....	1217, 1218
Offices of abolished.....	1200
Powers and duties, vested in General Accounting Office.....	1199
Preservation of adjusted accounts.....	1202
Reports of disbursing officers' checks outstanding for three years.....	1225
Revision by Comptroller of Treasury of settlements made by audi- tors.....	1202
Settlement of accounts of Secretary of Agriculture and of depart- ment.....	1201
Settlement of accounts without administrative examination.....	1206
Settlement of particular accounts at direction of Comptroller of Treasury.....	1203
Statement of accounts of delinquent officers.....	1239, 1249
Suspension of items in accounts.....	1202
Time of transmission of accounts to.....	1204

AUTOMOBILES

(See <i>Motor Vehicles.</i>)	
Agricultural Department, mileage allowance for.....	33a, p. 13

BAKER, OREG.

Lands within Whitman National Forest reserved as water supply...	895-898
--	---------

BARLEY

Importation of seed adulterated or unfit for seeding.....	222-225
---	---------

BARRELS

(See *Apples*)

BASKETS

Standards, act not to apply to foreign trade when conforming to foreign standards.....	305
Climax baskets for grapes, etc., and vegetables.....	303
Examination and test by Agricultural Department.....	306
Guaranty of manufacturer, etc., as protection to dealer.....	308
Regulations by Secretary of Agriculture for tolerances and variations.....	306
Shipment, etc., of baskets not conforming to act, unlawful....	305
Small fruits, etc., and vegetables.....	304
Penalty for violation of act.....	305
Duty of District Attorneys.....	307

BEES

Importation of adult honeybee, by Department of Agriculture for experimental or scientific purposes.....	262a
From countries free from diseases of honeybees.....	262a
Prohibition.....	262a
Punishment for violation of act.....	262b
Regulations.....	262a

BELLINGHAM, WASH.

Acquisition of site of plant propagating station.....	53
---	----

BIDS

(See <i>Advertisements; Contracts; Supplies</i>)	
Forging, counterfeiting, etc., punishment.....	1269
Packets and packeting, etc., of seed, etc.....	76
Publication, District of Columbia.....	1339
Not to be made without written authority.....	1344
Rate of payment for.....	1342
Sale of timber in national forests.....	542
Sale of useless papers.....	1464, 1465
Seed, etc., for national forests, purchase without advertisement....	137

Bids—Continued	Section.
Supplies, advertisement-----	1337-1338a
Agricultural Department, when advertisement necessary-----	136
Opening, notice-----	1345
Who may be present-----	1345
Record of-----	1345
BIGAMY	
Disqualification for office-----	938
BILLS AND RESOLUTIONS	
Copies furnished by Public Printer to departments-----	1454
BIRDS	
(See <i>Alaska; Game; Wild Animals</i>)	
Alaska, protection in-----	484-493, p. 727
Custer State Park Game Sanctuary-----	590-593, p. 729
Dead bodies, etc., of, importation or interstate transportation of which is prohibited, subject to State law-----	469
Eggs, etc., certain water birds in Alaska, taking, etc., prohibited, punishment-----	493
Game birds, importation for propagation-----	453, 454
Importation of, taken, etc., contrary to laws of Canada, un- lawful-----	474
Prohibition-----	454
Migratory birds, taking, etc., regulations-----	473
Scientific or propagating purposes-----	478
Taking on areas set aside for bird protection on lands acquired for protection of watersheds, punishment-----	643
Taking, etc., on lands set apart as bird-breeding grounds-----	456-458, p. 723
Punishment-----	457, 458, p. 723
Transportation of, taken, etc., contrary to State law, unlawful-----	474
Feathers, etc., of wild birds, importation prohibited-----	455
Foreign wild birds, dead bodies, etc., of illegally imported, subject to State law-----	469
Importation of, injurious to agriculture or horticulture, prohibited-----	465
Natural history specimens, etc-----	465
Permits-----	465
Regulations-----	465
Punishment for violation of provisions-----	468
Transportation, etc., of illegally imported, unlawful-----	466
Game and wild birds, importation of eggs for propagation, regu- lations-----	453, 454
Marking packages containing dead bodies, etc., in interstate or foreign commerce-----	467
Preservation, etc., by Agricultural Department-----	82
Publication of information relating to-----	82
Regulations-----	82
Punishment for violations of provisions-----	468
Transportation, etc., of dead bodies, etc., of, killed or shipped in violation of State law, unlawful-----	466
Hunting, etc., lands set apart as refuges or breeding grounds-----	456-458, p. 723
Importation of, except under permit, prohibited-----	465
Injurious to agriculture or horticulture, prohibited-----	465
Natural history specimens, etc-----	465
Permits-----	465
Punishment for violation-----	468
Regulations-----	465
Taken, etc., contrary to laws of Canada, unlawful-----	474
Migratory, appropriation for carrying act into effect-----	479
Arrests for violations of act-----	475
Breeding for food supply-----	482
Determination as to time and manner of taking, etc., of birds, nests, or eggs-----	473
Importation of birds, nests, or eggs taken, etc., contrary to laws of Canada-----	474
Partial invalidity of act-----	480
Punishment for violations of act-----	476
Regulations permitting taking, etc., birds, nests, or eggs, adop- tion, approval-----	473

BIRDS—Continued

Section.

Migratory—Continued

Repeal of inconsistent laws.....	481
Search warrants.....	475
Seizure and forfeiture of birds, nests, or eggs taken, etc., contrary to act.....	475
State, etc., laws and regulations.....	477
Taking, etc., birds, nests, or eggs, except as permitted by regulations, unlawful.....	472
For scientific or propagating purposes.....	478
Time of taking effect of act.....	483
Title of act.....	471
Upper Mississippi River Wild Life and Fish Refuge for.....	pp. 723-727
Migratory game and insectivorous, closed seasons.....	470(2)
Custody and protection of United States.....	470(1)
Killing, etc., during closed seasons unlawful.....	470(2)
Local laws not affected.....	470(3)
Punishment for violations of provisions.....	470(2)
Regulations by Department of Agriculture.....	470(2)
Approval.....	470(3)
Publication.....	470(3)
Preservation, etc., by Agricultural Department.....	82
Protection on lands acquired for protection of watersheds.....	643
Refuge in Medicine Bow National Forest.....	pp. 730, 731
Refuge in South Dakota.....	pp. 729, 730
Sullys Hill National Park Game Preserve.....	459
Upper Mississippi River Wild Life and Fish Refuge.....	pp. 723-727
Wichita Forest Reserve.....	583-585

BISON

Agricultural Department, loan or exchange for propagation.....	67
Supplying to municipalities, etc.....	67
National Bison Range.....	460, 461
Wind Cave National Game Preserve.....	462

BLACK HILLS NATIONAL FOREST

Homestead entries of agricultural lands in, restrictions as to certain counties removed.....	730
Subject to mining laws and appropriation of waters.....	727
Provisions for protection of birds on bird-breeding grounds not applicable to.....	457

BLUE PRINTS

Agricultural Department, sale of.....	63
---------------------------------------	----

BOARDS

Advisory board for hygienic laboratory of Public Health Service, detail of expert from Bureau of Animal Industry as member of.....	107
Appeals from decisions of Commissioner of Internal Revenue as to deleterious ingredients of filled cheese, Secretary of Agriculture a member.....	98
Appeals from decisions of Commissioner of Internal Revenue as to deleterious ingredients of imitation butter, Secretary of Agriculture a member.....	97
Civil service examiners.....	928
Details from departments to, prohibited.....	1180
Federal Board for Vocational Education, cooperation with Agricultural Department.....	102
Cooperation with other departments, etc.....	103
Secretary of Agriculture a member.....	102
Federal Farm Loan Board, distribution of bulletins through Agricultural Department.....	108
Federal Horticultural Board, appointment.....	240
General Appraisers, imported teas.....	80, 286, 288
Payment of compensation or expenses prohibited unless created by law.....	1180
Tea appeals.....	80
Tea experts.....	282

BONDS

Acting disbursing clerks.....	976
Advances under appropriations, Agricultural Department.....	134
Forest Service, for fighting forest fires.....	135

BONDS—Continued		Section.
Chief Clerk, Agricultural Department	-----	38
Contracts, buildings or works	-----	1369
Miscellaneous supplies	-----	1338
Contractors, Liberty or other United States bonds in lieu of surety bonds	-----	981a, p. 737
Delivery, adulterated or misbranded foods or drugs to owner or consignee	-----	275, 276
Adulterated or misbranded insecticides or fungicides to owner or consignee	-----	259, 260
Disbursing officers	-----	975-977
Acting	-----	976
Agricultural Department	-----	13
Deputy, Agricultural Department	-----	13
Renewal, etc	-----	975
Special agents	-----	977
Forging, counterfeiting etc., punishment	-----	1269
Issue of duplicate checks	-----	1257
Market agencies and dealers under Packers and Stockyard Act	-----	p. 722
Official, examination as to sufficiency	-----	980
Forging, counterfeiting, etc., punishment	-----	1269
Liability	-----	981
Limitation of actions	-----	1244
Notice of delinquency to surety	-----	1243
Premium, limitation of rate	-----	979
Payment by United States prohibited	-----	979
Renewal	-----	975, 981
Penal bonds, Liberty or other United States bonds in lieu of, deposit	-----	981a, p. 737
Liberty or other United States bonds in lieu of, disposition after deposit	-----	981a
Disposition after deposit	-----	981a, p. 737
Force and effect of acceptance	-----	981a, p. 737
Return to depositor	-----	981a, p. 737
Secretary of Agriculture	-----	38
Special agents	-----	977
Sureties, corporations	-----	978
Tea importers	-----	80, 281, 284, 286
Warehousemen storing agricultural products	-----	320-323
BOOK OF ESTIMATES		
(See <i>Estimates</i>)		
BOOKS		
Cotton Futures Act, production	-----	86, 386
Departments, access to by Comptroller General	-----	1216
Binding, style	-----	1410
Copies as evidence	-----	1463
Printing, restrictions on	-----	1414
Public Printer to supply books required in duplicating processes	-----	1428
Purchase restricted	-----	1183
Transfer to Library of Congress	-----	1443
Transfer to Public Library of District of Columbia	-----	1444
Disbursing officers, inspection by accounting officers of Treasury	-----	1217
Examination by accounting officers	-----	1216-1218
Examination by Bureau of Budget	-----	1147
Exchange of, heads of departments	-----	1442
Secretary of Agriculture	-----	59
Grain Standards Act, production	-----	86
Library of Congress, use by heads of departments	-----	1121
Officers of Government in District of Columbia, inspection by accounting officers of Treasury	-----	1218
Production of, authority of Secretary of Agriculture in performance of duties under certain acts	-----	86
Public records, destroying, etc., punishment	-----	1459
Custodian concealing, etc., destroying, etc., punishment	-----	1460
Standard Container Act, production	-----	86
Stealing, etc., destroying, etc., punishment	-----	1458
Warehouse Act, examination by Secretary of Agriculture	-----	341
Production	-----	86

BOTANISTS		Section.
Agricultural Department, appointment-----		9
Salary-----		8
BOULDER, COLO.		
Grants of lands in Colorado National Forest for water supply-----		874-876
FRANDS		
(See <i>Apples; Foods and Drugs; Insecticides and Fungicides; Meat Inspection; Naval Stores; Plants; Renovated Butter</i>)		
Apples and apple barrels-----		310-314
Food and dairy products, false as to State of production-----		264, 265
Food and drugs-----		266-277
Insecticides and fungicides-----		250-261
BRIBERY		
Grain standards inspectors-----		299
Meat inspectors-----		212 (20)
Accepting bribe-----		212 (20)
Officer of United States-----		1091
Accepting bribe-----		1102
Person authorized to determine any question, etc-----		1103
Accepting bribe-----		1104
BUCKWHEAT		
Importation of seeds adulterated or unfit for seeding-----		222-225
BUDGET		
(See <i>Estimates</i>)		
BUDGET AND ACCOUNTING ACT		
(See <i>Budget System</i>)		
Text-----		1139-1150, 1195, 1197-1200, 1213-1216, 1219
BUDGET SYSTEM		
(See <i>Estimates</i>)		
Budget, contents-----		1139
Departmental estimates, form and manner of preparation and submission-----		1150
Revision by heads of departments-----		1149
Submission to Bureau of Budget, failure to submit-----		1149
Time for-----		1149
Estimates for lump-sum appropriations, accompanying statements-----		1142
Estimates of appropriations, contents, order, and arrangement-----		1142
Officers of departments, etc., designation-----		1148
Duties-----		1148
Preparation by Bureau of Budget-----		1144
Recommendations by President accompanying-----		1140
Statements of expenditures and estimated expenditures, contents, order, and arrangement of-----		1142
Transmission by President to Congress-----		1139
Bureau of Budget, access to books, etc., records of departments, etc-----		1147
Aid and information to Congress-----		1146
Assistant Director, appointment, salary, duties-----		1144
Budget prepared by-----		1144
Departmental estimates submitted to-----		1149
Detailed study of departments-----		1145
Director, appointment, salary-----		1144
Establishment-----		1144
Information furnished to, by departments, etc-----		1147
Supplemental or deficiency estimates prepared by-----		1149
Estimates or requests for appropriations not to be submitted to Congress by department officers or employees unless requested-----		1143
Supplemental or deficiency estimates, contents, order, and arrangement-----		1142
Lump-sum appropriations, accompanying statements-----		1142
Preparation by Bureau of Budget-----		1144
Recommendations by President accompanying-----		1141
Statements by President accompanying-----		1141
Statements of expenditures and estimated expenditures, contents, order, and arrangement of-----		1142
Transmission by President to Congress-----		1141
BUENA VISTA, FLA.		
Acquisition of site of plant propagating station at-----		53

BUILDINGS AND GROUNDS	Section.
Agricultural Department, property in, custody.....	41
Property in, inventory.....	43
Rent, statement in estimates.....	147
Watchmen, powers and duties.....	42
Appropriations, available until completion.....	1194
Balances, disposal.....	1194
Compensation for disbursement.....	1268
Limitation.....	1266, 1267
Estimates, requisites.....	1161
Expenditure for electricity restricted.....	1330
Arlington estate, portion of, set aside for experimental farm.....	45-49
Assignment of rooms by Secretary of Treasury.....	1316
Bonds of contractors.....	1369
Commissions not to be paid for disbursements on account of construction except for money actually paid out.....	1267a
Contracts in excess of appropriation prohibited.....	1361
Officer making, punishment.....	1362
Contracts to full limit of cost though appropriation only partial.....	1363
Control by Secretary of Treasury.....	1316
Display of flag on Mothers' Day.....	1321, 1321a
District of Columbia, appropriations for, expenditure for production of electricity restricted.....	1330
Control of and allotment of space in, by Public Buildings Commission.....	1317
Erection of buildings on reservations, etc., restricted.....	1318
Gas, limitation on price.....	1332
Reading meters and reporting consumption.....	1333
Gas and electric meters, inspection.....	1333a, p. 742
Government-owned buildings, statements in estimates.....	1162
Laws and regulations extended to.....	1322
Leasing storage accommodations.....	1360
Lighting grounds, contracts not required.....	1331
Gas or electric lamps, limitation on payment.....	1331
Potomac Park, temporary occupation by Agricultural Department.....	44
Public Buildings Commission.....	1317
Rented buildings, statements in estimates.....	1164-1166
Agricultural Department.....	147
Renting buildings, appropriation necessary.....	1358
Instead of others rented.....	1359
Storage accommodations.....	1360
Superintendence by disbursing officers.....	975
Telegraph lines connecting Capitol and departments, sale of condemned material.....	1328
Supervision and operation.....	1326
Use restricted to public business.....	1327
Use for public ceremonies restricted.....	1320
Washington Market Co., ownership, etc., of grounds and buildings by United States.....	88-96
Water supply, shutting off.....	1325
Draping in mourning prohibited.....	1319
Expenditure upon buildings until plans, etc., approved, prohibited.....	1364
Furniture for new buildings, conformity with plans, etc.....	1324
Furniture, present owned to be used whether corresponding to regulations or not.....	1323, p. 740
Jurisdiction, control, and custody of Secretary of Treasury.....	1316
Land, purchase except under authority of law prohibited.....	1371
Plans, etc., not to be approved until site selected.....	1314
Not to involve expenditure in excess of cost limit.....	1314
Preparation by Supervising Architect.....	1315
Reimbursement of appropriation.....	1315
Property in department buildings and grounds, inventories.....	43
Real property acquired for war storage purposes, disposal.....	1334
Rent, Agricultural Department, statement in estimates.....	147
Rented buildings, statement in estimates.....	1163-1166

BUILDINGS AND GROUNDS—(Continued)		Section.
Sites, commissions not to be paid for disbursements on account of	1267a	
Condemnation	1313	
Expenditure for, limited to specific appropriation	1364	
Expenditure upon until opinion as to title and consent of State legislation given, prohibited	1311	
Jurisdiction, control and custody of Secretary of Treasury	1316	
Naval radio stations, etc., transfer of land to Navy Department	1335	
Selection	1310	
Title, Attorney General to require grantor to furnish abstracts, etc.	1312	
District Attorneys to furnish assistance and information	1311	
Heads of departments to procure additional evidence	1311	
Payment of expenses	1311	
Legal services in procurement to be rendered by district attorneys	1312	
Opinion of Attorney General as to validity	1311	
Soliciting political contributions in buildings	1094	
Punishment	1097	
Useless papers in, disposition of	1464, 1465	
BULBS		
(See <i>Plants; Seeds</i>)		
Plant Quarantine Act	229-242	
Purchase and distribution	75, 76	
BULLETINS		
Agricultural Department, printing, number of copies	118	
Agricultural experiment stations, publication, distribution, transmission free	434	
Cooperative agricultural extension work between agricultural colleges and Agricultural Department, transmission free	430	
Farmers' bulletins, adaptation to sections of country	112, 113, p. 716	
Allotment to Members of Congress	112, 113, p. 716	
Federal Farm Loan Board, distribution through Agricultural Department	108	
Weather Bureau, printing, number of copies	118	
Printing, restriction not applicable	157a	
BULL RUN NATIONAL FOREST		
Trespassing or grazing stock on, punishment	623	
BUREAU OF AGRICULTURAL ECONOMICS		
(See <i>Agriculture, Department of</i>)		
BUREAU OF ANIMAL INDUSTRY		
(See <i>Animals and Animal Industry</i>)		
Chief of, appointment, qualifications, duties, salary	163	
Employees, assaulting, etc., punishment	167	
Meat inspection, pay for overtime work	216	
Establishment	163	
Examination of viruses, etc., for domestic animals	221(3)	
Expert, detail to advisory board for hygienic laboratory of Public Health Service	197	
Sale or exchange of animals or animal products produced or purchased for use of	164	
Report, printing, number of copies, allotment	111	
Supervision of livestock shipped from infected localities	178	
BUREAU OF THE BUDGET		
(See <i>Budget System</i>)		
BUREAU OF CHEMISTRY		
(See <i>Agriculture, Department of</i>)		
BUREAU OF CROP ESTIMATES		
(See <i>Agriculture, Department of</i>)		
BUREAU OF DAIRYING		
Appropriations	p. 720	
Chief of, appointment	p. 720	
Duties	p. 720	
Employment of additional persons	p. 720	
Establishment	p. 720	
Time of taking effect of act	p. 721	
Transfer to, of activities relating to dairy industry	p. 720	

BUREAU OF EFFICIENCY	Section.
Establishment and duties.....	972
Information furnished to by departments.....	973
BUREAU OF ENTOMOLOGY	
(See <i>Agriculture, Department of</i>)	
BUREAU OF FORESTRY	
(See <i>Agriculture, Department of</i>)	
BUREAU OF MARKETS	
(See <i>Agriculture, Department of</i>)	
BUREAU OF MARKETS AND CROP ESTMATES	
(See <i>Agriculture, Department of</i>)	
BUREAU OF PLANT INDUSTRY	
(See <i>Agriculture, Department of</i>)	
BUREAU OF SOILS	
(See <i>Agriculture, Department of</i>)	
BUREAU OF STATISTICS	
(See <i>Agriculture, Department of</i>)	
BUREAUS	
(See <i>specific titles</i>)	
Advertisements, etc., not to be published without written authority.....	1344
Agricultural Department, estimates, officers, clerks, and employees, statements.....	145, 146
Interchange of appropriations.....	132b, p. 719
Laws made applicable to.....	10
Purchases for bureaus from appropriation for contingent expenses and reimbursement from lump-fund appropriations.....	132
Reimbursement of appropriations for mechanical shops for work done for bureaus.....	132a
Rent of buildings, statement in estimates.....	147
Books, transfer to Library of Congress.....	1443
Transfer to Public Library of District of Columbia.....	1444
Chief clerks, authority to administer oaths of office.....	942
Supervision of clerks.....	966
Chiefs, filling temporary vacancies in office.....	915-919
Reports, heads of departments to determine whether to be printed.....	1419
Claims against United States, Attorney General to furnish services of counsel.....	1388, 1389
Oath of persons prosecuting.....	1390
Witnesses.....	1385-1388
Consolidation, submission in estimates.....	1151
Contingent funds, apportionment.....	1186
Report of expenditures.....	1132, 1133
Restrictions on purchases from.....	1182
Court of Claims decisions transmitted to.....	1449
Death, etc., of heads of, sued in official capacity.....	921
Detached, purchase or drawing of supplies.....	1338
Disbursing officers, absence, acting officer.....	976
Documents, compliments not to be inserted in.....	1435
Delivery to Superintendent of Documents.....	1441
Employees, detailed to another bureau, statement in estimates.....	1160
Inefficient, report in estimates.....	1159
Estimates, Agricultural Department, officers, clerks, and employees, statements.....	145, 146
Condition of business, statement of.....	1160
Consolidation of bureaus, submission.....	1151
Employees detailed to other bureaus, statement of.....	1160
Extracts from reports included in.....	1174
Inefficient employees, report of.....	1159
Printing and binding.....	1157
Public Printer to furnish.....	1422
Response to congressional inquiries.....	1426
Transfers of salaries from one bureau to another, submission.....	1151
Evidence, etc., to be furnished Attorney General in suits pending in Court of Claims.....	1393
Federal Trade Commission, furnishing information and detailing employees to.....	1129a
Forest Service officials to aid other Federal bureaus.....	580

BUREAUS—Continued

Section.

Funds of bureau procuring materials or services from another bureau, subject to requisition	1299
Lists of employees for Official Register	1452
Mail registered free	1469
Newspapers, limitation to expenditures for	1185
Printing and binding, appropriations to which cost to be charged	1422
Estimates	1157
Public Printer to furnish	1422
Reports and documents submitted in response to Congressional inquiries	1426
More than one edition	1425
Reports of chiefs, heads of departments to direct whether to be printed	1419
Number of copies	1418
Restrictions	1412
Reports, expenditures from contingent funds	1132, 1133
Extracts from included in estimates	1174
Inefficient employees	1159
Transactions with War Department, payment by disbursing officers	1293-1298
Transfers of salaries from one bureau to another, submission in estimates	1151
BUTTE, MONT.	
Lands in Deerlodge National Forest for municipal park	910a
BUTTER	
(See <i>Dairy Products; Renovated Butter</i>)	
Definition of, under Food and Drugs Act	278a
CALAVERAS BIGTREE NATIONAL FOREST	
Acquisition of certain lands	652
Purposes for which lands held and administered	652
Reimbursement of owners of land	652
CALIFORNIA	
Chico, acquisition of plant propagating stations at	53
Fresno, acquisition of experimental vineyards near	54
Lands set apart as forest reservations	644-651
Los Angeles, grant of rights of way over certain national forests for water power and electric plants	864-871
National forests, creation and addition by act of Congress	550
Exchange of land or timber within for lands in Sierra National Forest	721
Homestead entries in, certain counties excepted	725
Sales of timber on	567
Oakville, acquisition of experimental vineyards near	54
San Diego, grant of rights of way in Cleveland National Forest for water supply	903-909
San Francisco, grant of rights of way and lands in Stanislaus National Forest for water supply and water power and electric plants	884-894
Timber cutting on public lands for certain purposes	616
CANALS	
(See <i>National Forests: Rights of Way</i>)	
CARD INDEXES	
Agricultural literature, sale by Agricultural Department	60-62
CARIBOU NATIONAL FOREST	
Addition of certain lands to	689
Certain lands reserved and included in	670
CARPENTER	
Agricultural Department, salary	8
CARRIAGES	
(See <i>Vehicles</i>)	
Restrictions on expenses	1023, 1024
CARSON NATIONAL FOREST	
Exchange of lands or timber within for lands within	724
Exchange of timber within national forests of New Mexico for certain privately owned lands to become part of	p. 735, 736
CATTLE	
(See <i>Animals and Animal Industry: Meat Inspection</i>)	
19024—24—50	

CENSUS	Section.
Director of, cotton statistics to be furnished Agricultural Department	122, 123, pp. 717, 719
Official Register, editing, indexing, and publication	1453
Office, transfer of employees from departments to	1003
CERTIFICATES	
Auditors, balances on accounts	1201
Breed of imported animals	203
Cotton Futures Act, evidence	383
False, officer authorized to administer oaths, etc., making, punishment	1381
Officer making, punishment	1105
Farm products, by Agricultural Department agents, evidence	87, p. 716
Forgery, etc.	1270
Having in possession	1271
Health, applicants for civil service examinations	936
Injuries, claimants under Employees Compensation Act	1051
Inspection, cattle, export	178, 187, 212 (10-12)
Cattle, interstate transportation	178
Food products for export, payment	280
Fuel for departments	1346-1348
Meat	205, 209, 212 (10-16)
Forgery, etc., punishment	204, 207, 212 (9)
Salted pork and bacon for export	204
Nursery stock for importation	229
Forgery, etc., punishment	238
Seed or grain samples	85
Loss of property	1209, 1210
Naval stores	290d
Necessity, engravings, etc., in documents for printing	1412
Illustrations, etc., in documents for printing	1413
Printing and binding	1420
Residence, applicants for civil service examinations	935
CHARTS	
Cost and Geodetic Survey, free distribution to departments and officers	1455
Weather Bureau, printing, number of copies	118
CHECKS	
Lost or destroyed, allowance of, when disbursing officer deceased, etc.	1258, 1259
Issue of duplicates for, disbursing officers	1257
Outstanding for three or more years, amounts to be covered into Treasury	1220
Payment of	1222
Permanent appropriation for subsequent payment	1221
Report of, by Auditors	1225
Report of, by disbursing officers	1224, 1225
CHEMISTRY	
Bureau in Agricultural Department, examination of specimens of food and drugs	269
Laws relating to former division made applicable to	10
CHEMISTS	
Agricultural Department, appointment	9
Assistant chemist, salary	8
Salary	8
CHICO, CALIF.	
Acquisition of site of plant propagating station at	53
CHIEF CLERKS	
Agricultural Department, appointment	9
Bond	38
Salary	8, 9
Bureaus, performance of duties of chief in case of death, etc.	915
Supervision of other clerks	966
Distribution of duties of other clerks	967
Oaths of office, power to administer	942
Oaths to expense accounts, power to administer	1021
Reports of defects in arrangement, etc., of business	967, 968
Supervision of other clerks	966

CHRISTMAS DAY

Holiday in District of Columbia	Section.
Per diem employees	958

CIVIL SERVICE

(See <i>Civil Service Commission; Employees</i>)	
Apportionment of appointments among States	927
Classification of clerks and officers, revision	930
Efficiency ratings	969-973
Establishment	969
Minimum for promotion, demotion, and dismissal	969
Records by departments	969
Preference to honorably discharged soldiers or sailors in event of reductions in force	969
Violations of provisions, punishment	969
Employees in departments, transfer to another department until three years service prohibited	998, 999
Transfer to Census Office	1003
Employees in subtreasuries, transfer from Treasury Department to other departments	1004
Examinations, appointment and promotion	931
Certificate of health	936
Certificate of residence	927, 935
Competitive	927
Selection according resulting high grades	927
Noncompetitive	927
Notice of appointments, etc.	927
Oath as to residence	927
Place	928, 936
Regulations for and control of	927
Time of holding	928
Violations of provisions as to, by ex-aminers, etc., punishment	928
Excessive use of intoxicants a bar to appointment or retention in	932
Laborers, excepted from classification	931
Agricultural Department, promotion without examination	17
Members of same family, restrictions on appointment	933, 936
Notice of appointments, transfers, resignations, and removals	927
Oath of office	940
Pension roll prohibited	1029
Persons nominated for confirmation by Senate excepted from classification and examination	931
Political coercion of employees prohibited	927
Political contributions by employees prohibited	927
Preference to persons honorably discharged from military or naval service and their widows, for appointments	925, 937
Preference to honorably discharged soldiers or sailors, in making reductions in force	969
Probation period before appointment	927
Promotions, demotions, and dismissals	969
Recommendations by Members of Congress restricted	934
Regulations for appointment	924
Removals	974
Retirement of employees	1070-1084
Right of employees to petition Congress	974
Rules for carrying act into effect	927
Tuberculosis a bar to appointment	936

CIVIL SERVICE ACT

(See <i>Civil Service; Civil Service Commission</i>)	
Text	926-934

CIVIL SERVICE COMMISSION

(See <i>Civil Service</i>)	
Appointment, etc.	926
Boards of examiners	928
Chief examiner	928
Details to, from departments prohibited	996, p. 738
Division of Efficiency, establishment and	971
Name changed to Bureau of Efficiency	972

CIVIL SERVICE COMMISSION—Continued	Section.
Duties.....	927
Efficiency ratings for classified service.....	969, 971
Duties, transferred to Bureau of Efficiency.....	972
Investigation of administrative needs of service as to personnel in departments.....	970, 971
Duties, transferred to Bureau of Efficiency.....	972
Preparation of rules.....	927
Punishment for violation of duties.....	929
Reports.....	927, 970
CLAIMS	
(See <i>Court of Claims</i>)	
Compensation to injured employees.....	1050-1052, 1057
Damages to or loss of private property by negligence of Government officer or employee not exceeding \$1,000 in any one case.....	1384a-1384d
Acceptance of amount found due deemed full settlement.....	1384c
Authority of heads of departments, etc., to determine.....	1384b
Certification to Congress of amount found due.....	1384b
Definitions.....	1384a
Repeal of conflicting laws.....	1384d
Time for presentation of claims.....	1384b
Exhausted appropriation.....	1191
Ex-officers, etc., prosecuting claims against United States.....	1391
False, etc., presenting, etc., punishment.....	1274
Forfeiture for fraud.....	1401
Jurisdiction of Court of Claims.....	1394
Report by Court of Claims of findings on claims transmitted by departments.....	1397
Officer interested in claims, punishment.....	1100
Officer, etc., purchasing claims for court fees at less than face value, punishment.....	1099
Pending in departments, etc., notice to Attorney General of professional assistance required in investigation of.....	1388, 1389
Oath of persons prosecuting.....	1390
Professional assistance provided by Attorney General.....	1388, 1389
Transmission to Court of Claims.....	1397
Witnesses, compelling testimony.....	1387
Fees.....	1386
Subpoenas.....	1385
Settlement in General Accounting Office.....	1195
Unlawfully taking or using papers relating to, punishment.....	1276
CLASSIFICATION ACT	
(See <i>Employees</i>)	
Text.....	938a-938b
CLASSIFIED SERVICE	
(See <i>Civil Service</i>)	
CLERKS	
(See <i>Chief Clerks, Civil Service; Disbursing Officers and Agents; Employees; Officers</i>)	
Administering oaths of office, fees prohibited.....	942
Administration of oaths in investigation of frauds.....	1085
Agricultural Department, appointment.....	9
Estimates.....	145
Statements in.....	145, 146
Allowance for, disbursing officers.....	1264
Civil pension roll prohibited.....	1029
Civil service, appointment and promotion.....	931
Classification.....	930
Classification.....	962
Compensation for extra services prohibited.....	1011, 1013
Details, from outside District of Columbia for duty within District prohibited.....	985, 994
Restrictions.....	964
Distribution of duties.....	967
Distribution in departments, alteration.....	964

CLERKS—Continued

	Section.
Employment, authority for	984
Beyond provision of law prohibited	987
Only as specifically appropriated for	985
Punishment for violation	986
Expenses of, sent away as witnesses	1020
Extortion by, punishment	1092
Extra clerks compensation	1005
Restriction on employment	1005
Extra compensation prohibited	1013
Extra services, compensation for prohibited	1011, 1013
False entry in accounts	1280
False report of moneys	1280
Former clerks in departments not to prosecute claims therein	1391
Hours of labor	945
Increase of forces	965
Lapsed salaries	985
Leaves of absence	945-947
Officials retired, compensation prohibited	1028
Political contributions, making prohibited	1096
Soliciting, etc., prohibited	1093
Punishment	1097
Presents, contributions, etc., to official superiors prohibited	1086
Receipting for larger sums than paid, punishment	1279
Receiving pay in matters affecting United States, punishment	1101
Recording clocks prohibited	948
Reduction of forces	965
Regulations for conduct of	913
Salaries	982
Supervision by chief clerks	966
Temporary, salaries	983
Transfer from one department, etc., to another until three years' service unlawful	998, 999
Unauthorized employment prohibited	987
Witnesses, expenses when sent away as	1020
Women eligible	963
CLEVELAND NATIONAL FOREST	
Grant of lands within to San Diego, California water supply	903-909
CLIMAX BASKET ACT	
(See <i>Baskets</i>)	
Text	303-308
CLOCKS	
(See <i>Recording Clocks</i>)	
CLOVER	
Importation of seed adulterated or unfit for seeding	222-225
Tests of seeds	228, p. 114
COAL	
(See <i>Fuel</i>)	
Disposition of deposits and lands containing	767-774, 793-805
COAST AND GEODETIC SURVEY	
Charts, distribution to departments	1455
COCONINO NATIONAL FOREST	
Grant of lands within to Percival Lowell observatory purposes	564
Rights of Arizona Lumber and Timber Company to cut timber on certain lands in, extended	619a
Rights of Saginaw and Manistee Lumber Company to cut timber on certain lands within, extended	619
COLORADO	
Boulder, grant of lands in Colorado National Forest for water supply	874-876
Colorado Springs, certain lands in Pike National Forest set aside for water supply	878, 880-883
Durango, grant of lands in San Juan National Forest for water supply	872, 873
Manitou, certain lands in Pike National Forest set aside for water supply	879-883

COLORADO—Continued	Section.
National forests, creation and addition by act of Congress	550
Timber, mineral lands, setting for certain purposes	616
Public lands, cutting for certain purposes	614
COLORADO NATIONAL FOREST	
Addition of certain land to	684
Certain lands transferred to, from Rocky Mountain National Park	p. 735
Grant of lands within Boulder, Colo., for water supply	874-876
COLORADO SPRINGS, COLO.	
Certain lands transferred to, from Rocky Mountain National Park	p. 735
	880-883
COMMISSIONER OF AGRICULTURE	
(See <i>Agriculture, Department of; Secretary of Agriculture</i>)	
COMMISSIONS	
(See <i>specific titles</i>)	
Acquisition of land connecting parks in District of Columbia, Secretary of Agriculture member	99
Appraisement of buildings and improvements of Washington Market Company	90-94
Details from department, prohibited	1180
Officers under Secretary of Agriculture	40
Payment of accounts on charges of not to be made without special appropriations	1180
Payment of compensation charges of not to be made unless created by law	1179
COMMON CARRIERS	
(See <i>Railroads; Vessels</i>)	
Animals in transit, limitation of time of confinement in cars or vessels	196
Unloading for rest, water, and feeding	196
Lien for charges for food, etc.	197
Penalty for noncompliance with provisions	198, 199
Extension of Live Stock Quarantine Act to any common carrier whose line forms any part of interstate route	186
Notice to of quarantine (State, etc., for plant diseases)	236
Transportation, animals, birds illegally imported or killed unlawfully	466
Penalty	468
Game	466-468
Game out of Alaska without license, etc., unlawful	489
Horse meat without being prohibited	215
Insect pests prohibited	246
Penalty	249
Nursery stock, etc., from quarantined State, etc.	236
Uninspected meat, etc., prohibited	212(8)
COMPENSATION	
(See <i>Employees; Employee Compensation Act; Salaries</i>)	
Accountants, etc., inaugurating new methods of business, prohibited	993
Additional to civilian employees	1016-1916f
Additional to persons employed under lump-sum appropriations, prohibited	1015
Agricultural Department, rates specified	19
Annual and monthly, computation and division of time	1031
Apportionment for part of year's service	1010
Attorneys or counsellors other than district attorneys, etc., prohibited	990
Changing for giving or withholding political contributions	1095, 1097
Chief of Weather Bureau	151
Chiefs of bureaus, extra officers temporarily filling vacancies, prohibited	919
Classification Act	938a-938n
Clerical compensation, payment from appropriations for contingent, etc., purposes prohibited	1181
Clerks, extra services, prohibited	1011, 1013
Officials retired from active service, prohibited	1028
Temporary	983

COMPENSATION—Continued

Section.

Commissions, councils, boards, etc., unless authorized by law, prohibited	1180
Disbursements, appropriations for buildings and grounds	1268
Appropriations for construction of buildings, limitation	1266, 1267
Disbursing clerks	975
Employees Compensation Act	1033-1069
Estimates for, founded on express law	1158
Extra clerks	1005
Extra, prohibited	1014
Extra services, prohibited	1011-1013
Heads of departments, etc., extra to officers temporarily filling vacancies, prohibited	919
Increase by reemployment in another department, restrictions	1000, 1001
Lump-sum appropriations not available for payment of increased compensation	1002
Exception, mechanics, laborers, etc	1002
Scientific employees of Agricultural Department	15
Members of Naval Reserve Force not prevented from receiving civil	1009
Officers, extra compensation prohibited	1014
Extra services, prohibited	1011, 1012
Persons in arrears, payment withheld	1030
Publicity experts, prohibited	992
COMPTROLLER GENERAL	
(See <i>General Accounting Office</i>)	
COMPTROLLER OF TREASURY	
Approval, etc., of auditors' decisions	1202
Assistant, office abolished	1197
Books, etc., transferred to General Accounting Office	1197
Copy of appointment of fuel inspector in District of Columbia furnished to	1347
Decisions, application for and effect of	1202
Printing, distribution of copies	1446
Inspection of books, etc., of Government officers	1217, 1218
Office abolished	1197
Officers and employees transferred to General Accounting Office	1197
Powers and duties of vested, in General Accounting Office	1199
Revision by of settlements by auditors	1202
Conclusiveness of decisions	1202
Settlement of particular accounts	1203
Suits against persons accountable for money	1238
COMPUTING MACHINES	
Agricultural Department, exchange of	55
CONCEALMENT	
Records, punishment	1459, 1460
Stolen moneys or property, punishment	1278
CONDEMNATION	
Food and drugs, adulterated or misbranded	275
Insecticides and fungicides, adulterated or misbranded	259
Meats, destruction of condemned	212(2, 4)
CONFECTIONERY	
Adulteration	272
"Food" includes	271
CONGRESS	
Appeal by State from action of Secretary of Agriculture in withholding certificate of amount due for agricultural experiment stations	445
Appeal by State from action of Secretary of Agriculture in withholding certificate of amount due for cooperative agricultural extension work	427
Appeal by State from action of Secretary of Interior in withholding certificate of amount due for agricultural colleges	418
Appropriation bills, committees reporting to follow order and arrangement of acts for preceding fiscal years	1151
Bills and resolutions, copies for departments	1454
Budget transmitted to by President	1139
Congressional Directory, preparation and distribution	1450

CONGRESS—Continued	Section.
Congressional Record, examination for noting documents required by departments.....	1454
Estimates submitted to, explanations of new items.....	1167
Extracts from annual reports with.....	1174
Manner of communicating.....	1155
Printing and binding.....	1406
Public buildings and works, requisites.....	1161
Reports of inefficient employees.....	1159
Secretary of Agriculture, officers, clerks, and employees.....	145
Statements, clerks employed under general appropriations.....	146
Meat inspection employees.....	212 (22)
Officers, clerks, and employees employed on lump-fund appropriations.....	145
Rent paid for quarters occupied by department.....	147
Statements, buildings rented in District of Columbia.....	1163-1166
Condition of business.....	1160
Government-owned buildings in District of Columbia.....	1162
Outstanding appropriations.....	1168
Special or additional, to follow form of acts for preceding fiscal years.....	1152, 1153
Supplemental or deficiency, transmitted by President.....	1141
Estimates or requests for appropriations not to be submitted by department officers or employees.....	1143
House of Representatives, copies of Annual Report of Bureau of Animal Industry allotted to.....	111
Copies of Annual Report of Chief of Weather Bureau allotted to.....	111
Copies of Annual Report of Secretary of Agriculture allotted to.....	111
Copies of annual report on agricultural experiment stations and cooperative agricultural extension work allotted to.....	127
Copies of annual report on field operations of Division of Soils allotted to.....	128
Copies of annual report on progress of beet-sugar industry allotted to.....	129
Copies of department publications not bearing Congressional number furnished to.....	1436
Copies of Special Report on Diseases of the Horse allotted to.....	111
Members of, membership on National Forest Reservation Commission.....	627
Officer under, interested in claims against United States, punishment.....	1100
Joint Committee on Printing, power to remedy, neglect or delay in printing.....	1415
Preparation and distribution of Congressional Directory.....	1450
Members of, contracts, interest in official.....	1376, 1378, 1380
Contracts, taking consideration for procuring official.....	1377
Making official with.....	1379, 1380
Copies of advance sheets of reports on soil surveys, allotment to.....	128
Farmers' bulletins, allotment to.....	112, 113, p. 716
Penalty envelopes for answers to be enclosed by departments in official correspondence with.....	1470
Political contributions, officers, clerks, etc., making to, prohibited.....	1096
Soliciting, etc., prohibited.....	1093
Receiving pay in matters affecting United States.....	1101
Recommendations of for Civil Service appointment.....	934
Seeds, allotment for distribution.....	76
Franks for mailing.....	78
Seeds and reports from Agricultural Department transmitted free through mails.....	77
Use of appropriations for influencing as to legislation prohibited, punishment.....	1098
Use of name in advertising practice before departments, etc., unlawful.....	1392
Officer of, accepting bribe, punishment.....	1102
Reports to, Comptroller General.....	1215
Cost of removal of office.....	1138

CONGRESS—Continued

Section.

Reports to—Continued

Heads of departments, expenditure of contingent funds.....	1132, 1133
Inefficient employees.....	1159
Proceeds of sales of condemned property.....	1172
Publications issued.....	1137
Time of making.....	1135
Traveling expenses of officers and employees.....	1134
Useless papers.....	1464
Money arising from proceeds of public property, etc.....	1173
Moneys received as proceeds from sale or lease of property acquired for war storage purposes.....	1334
National Forest Reservation Commission.....	628
Sales of war supplies, material, lands, buildings, etc.....	1302
Secretary of Agriculture, agricultural experiment stations.....	127, 446, 452
Annual.....	110, 111
Compensation and expenses paid to State, etc., officers in enforcement of Food and Drugs Act.....	141
Completed investigations.....	143, 144
Contributions toward cooperative work in forest investigations.....	570
Cooperative agricultural extension work.....	127, 428
Duplicated services.....	144
Exchanges of passenger-carrying vehicles.....	56
Expenditures, appropriations of department.....	139
National forest roads and trails.....	573, 573a
Vehicles.....	142, p. 719
Highways constructed under Federal aid.....	529
Purchase of seeds for distribution.....	76
Special reports.....	110
Suppression of contagious, etc., diseases of animals.....	140
Secretary of Interior, agricultural colleges.....	419
Secretary of Treasury, balances due claimants under exhausted appropriations.....	1191
Delinquent officers and departments, etc.....	1205
Right of civil service employees to petition.....	974
Senate, copies of Annual Report of Bureau of Animal Industry allotted to.....	111
Copies of Annual Report of Chief of Weather Bureau allotted to.....	111
Copies of Annual Report of Secretary of Agriculture allotted to.....	111
Copies of annual report on agricultural experiment stations and cooperative agricultural extension work allotted to.....	127
Copies of annual report on field operations of Division of Soils allotted to.....	128
Copies of department publications not bearing congressional number, furnished to.....	1436
Copies of Special Report on Diseases of Horse allotted to.....	111
Members of, membership on National Forest Reservation Commission.....	627
Officer under, interested in claims against United States, punishment.....	1100
CONGRESSIONAL DIRECTORY	
Distribution to departments.....	1450
CONGRESSIONAL RECORD	
Distribution to departments.....	1451
Examination of, for noting documents for departments.....	1454
CONSPIRACY	
Committing offense against United States.....	1275
Defrauding United States by false claims.....	1274
Preventing officers from performing duties.....	1088
CONTINGENT FUNDS AND EXPENSES	
(See Appropriations)	
Agricultural Department, purchases from contingent appropriations and reimbursement from lump-fund appropriations.....	132
Apportionment of appropriations for.....	1177, 1186
Expenditures, newspapers, etc., limitation.....	1184
Official or clerical compensation, prohibited.....	1181

CONTINGENT FUNDS AND EXPENSES—Continued		Section.
Expenses of procuring additional evidence of title to land purchased by United States to be paid from.....		1311
Purchases, articles purchasable out of, not to be purchased from any other fund.....		1186
Books, etc., restrictions.....		1183
Restrictions.....		1182
Reports of expenditures.....		1132, 1133
CONTRACTS		
<i>(See Advertisements; Bids; Supplies)</i>		
Advertisement.....	136, 137, 1337-1344	
Agricultural Department, seeds, etc., packets and packeting, etc....		76
Appropriations, act of Congress not construed to authorize contract exceeding, unless specific.....		1175
Contracts exceeding, unless authorized, prohibited.....		1177
Contracts for erection, etc., of building, etc., prohibited beyond.....		1361
Contracts for rent of buildings in District of Columbia until appropriation made therefor prohibited.....		1358
Contracts for site for building prohibited in excess of specific.....		1364
Contracts for site or erection, etc., of building to full cost limit though appropriation in part.....		1363
Contracts prohibited, unless adequate appropriation.....		1352
Officer contracting for erection, etc., of building, etc., beyond specific, punishment.....		1362
Bonds, construction, etc., buildings, etc.....		1369
Contractors to file copies of, with Commissioner of Internal Revenue.....		1383
Cotton futures tax.....	379-400	
Deposit with Auditors of Treasury.....		1372
Electric light and power service, Secretary of Treasury to make.....		1338
Envelopes, by Postmaster General.....		1382
Forging, counterfeiting, etc., punishment.....	1269, 1270	
Having in possession, punishment.....		1271
Fuel, Secretary of Treasury to make.....		1338
Hours of labor, all classes of contract work included.....		1368
Appeal to heads of departments.....		1367
Contracts excepted.....		1368
Contracts to contain provision for 8-hour workday.....		1367
Deduction of penalty.....		1367
Penalties not imposed in emergencies.....		1368
Reports of violations.....		1367
Right of action in Court of Claims.....		1367
Stipulation for penalty.....		1367
Public works, existing contracts not affected.....	1366a	
Punishment for violation of act.....		1366
Violations of act by officer or contractor, punishment.....		1366
Workday limited to eight hours.....		1365
Waiver in time of war.....		1368
Ice, Secretary of Treasury to make.....		1338
Information furnished by departments, etc., to Commissioner of Internal Revenue relating to.....		1383
Interest in Indian contracts by Government employees prohibited, punishment for violation.....		1374
Land, purchase prohibited unless authorized by law.....		1371
Lighting grounds in District of Columbia, not required.....		1331
Member of Congress interested in.....	1378, 1380	
Contracts void.....		1378
Contracts with corporations excepted.....		1380
Express condition against.....		1376
Money advanced, repayment.....		1378
Suit to recover.....		1378
Punishment.....		1378
Officer making contract with.....	1379, 1380	
Contracts with corporations excepted.....		1380
Punishment.....		1379
Taking consideration for procuring.....		1377
Contracts voidable.....		1377
Punishment.....		1337

CONTRACTS—Continued	Section.
Officer taking consideration for procuring	1377
Contracts voidable	1377
Punishment	1377
Payment on not to exceed value of services rendered or articles delivered	1260
Persons interested acting as agents of United States prohibited, punishment	1375
Proposals, advertisement	136, 137, 1337-1344
Reports by Comptroller General to Congress of contracts made by departments in violation of law	1215
Seeds, packets and packeting	76
Stationery, limited to one year	1370
Secretary of Treasury to make	1338
Supplies or services, advertisement, publication in District of Columbia restricted	1341
Advertisement for proposals	1337
Agricultural Department, when advertisement unnecessary	136, 137
Bids, opening, recording	1345
Exigencies	1337
Limited to one year	1370
Miscellaneous supplies for departments in Washington, Secretary of Treasury to make	1338
Outside of District of Columbia, purchase in open market, when amount does not exceed \$50	1338a
Telephone service, Secretary of Treasury to make	1338
Transfer of, prohibited	1373
Unauthorized, prohibited	1352
CONTRIBUTIONS	
Cooperative activities, Agricultural Department, manner of payment	36
Agricultural Department, prohibition on salaries from outside sources not applicable to	37
Forest investigations, disposal	570
Forest Service, prohibition on salaries from outside sources not applicable to	37
Political, civil service employees not to make	927
Official proscription for giving or withholding, prohibited	1095
Punishment	1097
Soliciting, receiving, etc., prohibited	1093-1096
Punishment	1097
Salary from sources other than United States prohibited	1032
COOPERATIVE AGRICULTURAL EXTENSION WORK ACT (See <i>Agricultural Colleges</i>)	
Text	422-430
COPYRIGHT	
Not to subsist in Government publications	1462
CORN	
(See <i>Grain; Grain Futures; Grain Standards</i>)	
Importation of seeds adulterated or unfit for seeding	222-225
CORVALLIS, OREG.	
Certain lands added to Siuslaw National Forest for protection of water supply	678, 678a
COTTON	
(See <i>Cotton Futures Tar; Cotton Standards</i>)	
Reports of Agricultural Department	114, 119-123, p. 716-719
Condition of crop, time of issue	114
Discontinuance of acreage reports based on intention to plant	p. 716
Estimate of total production, issuance	120
Number of acres in cultivation, issuance	119
Publication of Census statistics in connection with	122, 123, p. 717, 718
Semimonthly reports as to condition, progress, and probable production, approval	p. 716
Issuance	p. 716
Release	p. 716
Time of issue	p. 719
Standards for grades, establishment by Secretary of Agriculture	84, 290ff. 387
Changes in	290ff. 387
Forms, preparation and sale	84, 290ff. 387

COTTON—Continued.	Section.
Statistics furnished to Agricultural Department by Census Bureau	122,
	123, pp. 717, 718
COTTON FUTURES ACT	
(See <i>Cotton Futures Tax</i>)	
Text	379-400
COTTON FUTURES TAX	
Agents' acts, etc., imputed to principal	380
Amendments to act made permanent legislation	400
Appropriation for enforcement	396
Bale of cotton, weight of, if not specified in contract	382
Books and papers, production before Secretary of Agriculture	86
Classification of cotton under contracts, admissibility as evidence	383
Costs, disposition of proceeds	383, 396
Contracts for future delivery, exempt from tax	383, 384, 388
Form and contents	382
Subject to tax	381, 383, 384, 388
Violating act not enforceable	390
Definitions	380
Determination of price of cotton above or below grade	383a
Failure to pay tax, punishment	392
Information required of cotton dealers by Secretary of Agriculture	386
Failure to furnish, punishment	386
Oaths, administration by Secretary of Agriculture	86
Official cotton standards, change or replacement	387
Establishment	387
Forms of, certification	387
Furnishing	387
Disposition of sums collected for	396
Reuse of moneys from sale of cotton purchased for	p. 722
Partial invalidity of act, effect	399
Payment, not to exempt from State laws prohibiting contracts for future delivery	395
Not to prohibit State tax	395
Pending rights and liabilities under previous act saved	398
Publication of results of investigations	396
Rate of tax	381
Regulations for carrying out act, Secretary of Agriculture	383
Secretary of Treasury	389, 391
Repeal of previous act	398
Spot markets, designation and notice of	385
Mode of determination	386
Stamps, payment by	389
Time of taking effect of act	397
Title of act	379
Violations of, penalties	392, 393
Duty of district attorneys	393
Witnesses, examination by Secretary of Agriculture	86
Exemption from prosecution when testimony incriminating	394
Not to withhold testimony because of complicity	394
COTTON STANDARDS ACT	
(See <i>Cotton Standards</i>)	
Text	290aa-290mm
COTTON STANDARDS	
Appropriations for carrying out act	290ii
Assaulting, etc., employee under act in performance of duties, punishment	290ii
Classification of cotton by Agricultural Department	290dd
Certificate of, prima facie evidence	290dd
Charges for	290ee
Use of amounts collected	290ee
Submitting cotton for, regulations	290dd
Cooperation by Secretary of Agriculture with Federal and State, etc., agencies	290jj
Definitions	290kk
Demonstrations by Secretary of Agriculture	290jj
Expenses of administration of act	290ii

COTTON STANDARDS—Continued

	Section.
Inspection by Secretary of Agriculture of cotton in interstate commerce	290gg
Investigations by Secretary of Agriculture	290jj
Liability of principal for act, etc., of agent	290kk
Influencing improperly in performance of duties, punishment	290ii
Licenses to grade or classify cotton and certify grade, charges for and use of amounts collected	290ee
Issuance	290cc
Suspension or revocation	290cc
Offenses under act	290bb, 290hh, 290ii
Punishment	290ii
Official standards, change or replacement	290ff
Changing, etc., form of without authority, unlawful	290bh
Continuation of present standards	290ff
Counterfeiting, etc., form of, unlawful	290hh
Establishment	290ff
Forms of	290ff
Copies, certification	290ff
Furnishing, conditions	290fi
Reuse of moneys received in connection with	290ff, p. 722
Using condemned form of, unlawful	290hh
Using names, etc., for grades, etc., of cotton in transactions in interstate commerce other than those of official standards, unlawful	290bb
Lawful transactions by actual sample, etc., excepted	290bb
Violations of provisions as to, punishment	290ii
Partial invalidity of act	290mm
Regulations by Secretary of Agriculture	290jj
For submitting samples of cotton for classification	290dd
Tests by Secretary of Agriculture	290jj
Title of act	290aa

COUNCIL OF NATIONAL DEFENSE

Powers and duties relating to highways and highway transport transferred to Secretary of Agriculture	513
Recommendations to heads of departments	101
Reports to heads of departments upon special subjects	101
Secretary of Agriculture a member	101

COUNSEL

(See *Attorneys or Counsel*)

COUNTERFEITING

Affidavits	1269
Bids	1269
Bonds	1269
Certificates	1270
Meat inspection	204, 207, 212 (9)
Plant inspection	238
Contracts	1269, 1270
Deeds	1270
Forms of official cotton standards	290hh, 290ii
Licenses under Warehouse Act	344
Meat inspection marks, stamps, etc	204, 207, 212 (9)
Official bonds	1269
Official passes or permits	1111
Powers of attorney	1270
Receipts	1270
Records	1269
Seals of departments, etc	1110
Weather forecasts, etc	154-155

COURT OF CLAIMS

(See *Claims*)

Attorney General, appearance for defense	1405
Conduct of suits	923
Debtors to United States, amount due ascertained	1404
Decisions, copies to heads of departments	1449
Decree on accounts of disbursing officers	1396
Evidence in claims determined by departments, etc., furnished to Attorney General	1393

	Section.
COURT OF CLAIMS—Continued	
Forfeiture of claims for fraud.....	1401
Judgment, final bar.....	1403
Forfeiture for fraud.....	1401
Payment of amount, full discharge.....	1402
Manner of.....	1399
Report to Congress.....	1449
Set-offs, etc.....	1395
Jurisdiction, claims against United States.....	1394
Claims of disbursing officers for relief from responsibility for loss of funds, etc.....	1394
Set-offs, etc.....	1394-1395
Power to call on departments for information or papers.....	1400
Procedure in cases transmitted by departments.....	1398
Report on claims transmitted by departments.....	1397
Transmission of claims by departments.....	1397
CRATER NATIONAL FOREST	
Certain railroad lands re-vested in United States added to.....	677-678a
CROOK NATIONAL FOREST	
Lands within for recreational purposes.....	p. 736
CROP REPORTS	
(See <i>Cotton</i>)	
Cotton.....	114, 119-123, pp. 716-719
Giving advance information, punishment.....	1106
Issuing false, punishment.....	1107
Monthly, contents, approval.....	114
Information furnished through State Department relative to agricultural and horticultural industries in foreign countries, embodied in.....	116
Printing, number of copies.....	118
Time of issue.....	114, 115
CROW CREEK NATIONAL FOREST	
Exchange of public lands in for privately owned land for enlarge- ment of military maneuvering grounds within.....	694
CUSTER STATE PARK GAME SANCTUARY	
Enlargement.....	p. 729
Establishment.....	590
Hunting, etc., prohibited, punishment.....	591
Inclosure by State of South Dakota.....	593
Local game laws not interfered with.....	592
Purpose of act.....	592
CUTTINGS	
(See <i>Plants; Seeds</i>)	
Plant Quarantine Act.....	229-242
Purchase and distribution.....	75, 76
DAIRY PRODUCTS	
(See <i>Food and Drugs; Renovated Butter</i>)	
Inspection, etc., for export.....	218
Misbranding as to State, etc., of production.....	264, 265
DALLAS, OREG.	
Certain lands added to Siuslaw National Forest for protection of water supply.....	678, 678a
DAMS	
(See <i>National Forests; Rights of Way</i>)	
DEATH	
Disbursing officer, duplicate checks.....	1258
Employees of departments, expenditure for transportation of re- mains.....	1027
Employees Compensation Act.....	1033-1069
Ex-official, closing departments prohibited.....	961
Filling vacancies in office temporarily.....	914-918
Officers suing or sued in official capacity.....	921
DECISIONS	
Comptroller of Treasury, distribution.....	1446
Court of Claims, distribution.....	1449
DECORATION DAY	
Holiday in District of Columbia.....	958
Per diem employees.....	960

DEEDS	Section.
Forging, etc	1270
Having possession	1271
DEERLODGE NATIONAL FOREST	
Lands in for municipal park for Butte, Mont	910a
DEFACEMENT	
Books, pamphlets, documents, etc	1458
Certificates, meat inspection	204, 207, 212(9)
Plant inspection	238
Meat inspection marks, stamps, etc	204, 207, 212(9)
Survey marks	604
DEMOTIONS	
(See <i>Employees</i>)	
Civil service	969
DESCHUTES NATIONAL FOREST	
Exchange of lands or timber within national forests in Oregon for privately owned lands within Deschutes National Forest	724a
DEPARTMENTS	
(See <i>Agriculture, Department of; specific titles.</i>)	
Acceptance of voluntary service or employment of personal service in excess of appropriations prohibited	1177
Accounts, administrative examination	1207
Administrative examination, regulations by heads of departments	1208
Reports by Comptroller General on adequacy and effectiveness of	1215
Delay in transmitting	1204
Delinquency in rendering or transmitting	1205
Examination by auditors	1201
Settlement, conclusiveness	1202
Administrative appropriation and fund accounting, forms, systems, and procedure prescribed by Comptroller General	1214
Administrative needs of service relating to personnel in, investigation and report	970-973
Adding machines, exchange of	1353
Advertisements, publication, except under written authority prohibited	1344
Publication, payment for without written authority prohibited	1344
Rate of payment	1342
Publication in District of Columbia	1339, 1340, 1343
Newspapers, rate of payment, restrictions	1343
Advertising practice before, use of name of Member of Congress or Government officer unlawful	1392
Agents, employment beyond provisions of law prohibited	987
Alcohol for use of, purchase or importation free of tax	1305
Ammunition, etc., transfer of by Secretary of War	1301
Appropriations, articles purchasable from contingent funds not to be purchased from other appropriations	1186
Contingent expenses, apportionment by monthly or other allotments	1177
Apportionment to offices or bureaus	1186
Payment from of expenses of procuring additional evidence of title to sites for buildings	1311
Restrictions on purchase of books from	1183
Reports of expenditures	1132, 1133
Disposition of unused appropriations for salaries	985
Expenditures in excess of, prohibited	1177
Lump-sum, not available for increased compensation	1002
Printing and binding, charging cost	1422
Arms and ammunition furnished by Secretary of War for protection of money and property	1300
Arrears of business, bringing up	945
Assistant Secretaries, Supreme Court Reports for	73
Attorney General, counsel provided	1389
Opinions	922, 923
Attorneys or counsel, Department of Justice to provide	989, 1389
Employment by department heads prohibited	989
Services, restrictions on compensation	990

DEPARTMENTS—Continued

Section.

Bills and resolutions to be furnished by Public Printer.....	1454
Binding for, style.....	1410
Books, access to by Bureau of Budget.....	1147
Access to by Bureau of Efficiency.....	973
Access to by Comptroller General.....	1216
Binding.....	1410
Copies of in evidence.....	1463
Exchange of.....	1442
Expenditures for restricted.....	1184
Purchase from appropriations for contingent expenses restricted.....	1183
Transfer to Library of Congress.....	1443
Transfer to Public Library of District of Columbia.....	1444
Use of from Library of Congress.....	1121
Budget officers, designation, duties.....	1148
Buildings, District of Columbia, renting instead of others rented.....	1359
Gas consumption in, superintendent of meters at Capitol to take statement of meters and report.....	1333
Superintendence by disbursing clerks.....	975
Bureau of Budget to make study of and reports on.....	1145
Chief clerks, administration of oaths of office.....	942
Administration of oaths to expense accounts.....	1021
Distribution of duties of other clerks.....	967
Reports of defects in arrangement or dispatch of business.....	967, 968
Supervision of other clerks.....	966
Civil Service appointments.....	927
Claims against United States, damages to or loss of private prop- erty by officers or employees, settlement.....	1384a-1384d
Ex-officers, etc., not to prosecute.....	1391
Oath of persons prosecuting.....	1390
Witnesses, compelling testimony.....	1387
Fees.....	1386
Subpoenas.....	1385
Claims transmitted to Court of Claims.....	1397
Classification of positions in.....	938a-938n
Clerks, administering oaths of office, fees prohibited.....	942
Administration of oaths in investigations.....	1085
Authority to employ.....	984
Appointment, preference to honorably discharged soldiers and sailors and widows thereof.....	937
Classification.....	930, 962
Classification.....	962
Details, among bureaus, etc.....	964
From outside District of Columbia for duty within District, prohibited.....	985, 994
Distribution of.....	964
Distribution of duties.....	967
Employment beyond provisions of law prohibited.....	987
Employment only as specifically appropriated for.....	985
Punishment for violation.....	986
Extra clerks, compensation.....	1005
Restrictions on employment.....	1005
Extra compensation prohibited.....	1011, 1013
Hours of labor.....	945
Increase of forces.....	965
Lapsed salaries, disposition.....	985
Leaves of absence.....	945-947
Political contributions.....	1093-1097
Receiving fees as notaries public for administering oaths of office prohibited.....	942
Reduction of forces.....	965
Regulations for conduct of.....	913
Salaries.....	982
Supervision by chief clerks.....	966
Temporary, salaries.....	983
Transfer from one department, etc., to another, restriction.....	998, 999
Women may be appointed, as.....	963

DEPARTMENTS—Continued

	Section.
Closing on decease of ex-official prohibited	961
Coast and Geodetic Survey charts distributed free to	1455
Commissioner of Fish and Fisheries, aid to	1122
Consolidation of offices or bureaus, submission in estimates	1151
Contingent funds, apportionment by monthly or other allotments	1177
Apportionment to offices and bureaus	1186
Articles purchasable from not to be purchased from other funds	1186
Payment from for newspapers, etc., limitation	1184
Purchases of books, etc., from restricted	1183
Restrictions on purchases from	1182
Report of expenditures	1132
Time of making	1133
Contracts, information to Commissioner of Internal Revenue relating to	1383
Stationery and supplies, limited to one year	1370
Telephone, electric light, and power services	1338
Violation of law, reports by Comptroller General	1215
Copies of Congressional Record for	1451
Copies of decisions of Comptroller of Treasury for	1446
Copies of Geological Survey maps distributed free to	1456
Council of National Defense, recommendations and reports by	101
Custody of records of war agencies	1466
Delinquency in transmitting accounts, report of	1205
Denatured alcohol for use of, purchase or importation free of tax	1305
Details, for distribution of Government publications	1433
From one bureau or office to another	964
Period	964
Renewal	964
Statement in estimates	1160
From outside of District of Columbia to duty in District prohibited	985, 994
Telegraph operators	1326
To Civil Service Commission, prohibited	996, p. 738
To commissions, boards, etc., prohibited	1180
Details	
To Federal Power Commission	106
To Federal Trade Commission	1129a
To office of President	995, p. 738
To Personal Classification Board	938c
To United States Tariff Commission	1126
Disbursing clerks and officers, acting officer in absence of, bond	976
Acting officer in absence of, liabilities	976
Appointment	975
Bond	975
Books, etc., inspection	1217
Compensation	975
Decisions of Comptroller of Treasury may be applied for	1202
Deficiencies in accounts, notification of	1243
Examination of vouchers	1207
Exchanging funds, suspension, report	1262
Outstanding checks, etc	1220
Payment by, in transactions with War Department	1293-1298
Payment of accounts settled in General Accounting Office	1213
Statements of expenditures by	1132
Superintendence of buildings	975
Documents, accumulations to be delivered to Superintendent of	
Documents	1441
Compliments not to be sent with	1435
Copies of, in evidence	1463
Exchange of	1442
Documents printed elsewhere than at Government Printing Office, copies for Library of Congress	1437
Documents printed for, custody	1438
Documents published by, copies to be delivered to Superintendent of Documents	1439
Efficiency ratings	9381, 969-972

DEPARTMENTS—Continued	Section.
Efficiency records for classified service in	969
Copies to be furnished to Civil Service Commission	969
To Personnel Classification Board	983i
Electric light and power service, contracting for	1338
Employees, appointment, preference to honorably discharged soldiers and sailors and widows thereof	937
Compensation, additional	1016-1016f
Increase, lump-sum appropriations not available for, exceptions	1002
Increase by reemployment in another department, restrictions	1000, 1001
Reductions	938i
Schedules	938e
Deceased, expenditures for transportation of remains prohibited	1027
Demotions	969
Details, from one bureau or office to another	964
From outside of District of Columbia to duty within District prohibited	985, 994
Telegraph operators	1326
To office of President	995, p. 738
To Personnel Classification Board	938c
To United States Tariff Commission	1126
Dismissals for disloyal conduct	1112
Dismissals for inefficiency	938i, 969
Distribution of	964
Efficiency ratings	938i, 969
Employment beyond provisions of law prohibited	987
Employment only as specifically appropriated for	985
Punishment for violation	986
Expenditure for transportation of remains of deceased employee prohibited	1027
Falsely pretending to be	1090
Giving advance information of crop reports	1106
Hours of labor	945
Influencing Members of Congress as to legislation	1098
Information to Bureau of Efficiency	973
Information to Employees' Compensation Commission	1060
Interest in Indian contracts	1374
Lapsed salaries, disposition	985
Leaves of absence	945-947
Political contributions	1093-1097
Promotions	938j, 969
Receiving fees as notaries public for administering oaths of office prohibited	942
Salaries	982
Submission to Congress of estimates or requests for appropriations prohibited	1143
Suit by, for infringement of patent by Government not permitted	1119
Transfers, from one department to another, restriction	998, 999
From subtreasuries of Treasury Department	1004
Same grade and compensation	938j
To Census Office	1003
Travel by, reports	1134
Utilization of, in connection with Army reserve organizations	1125
Vehicles for use of, purchase, operation, etc., restricted	1024, 1025
Engineers, employment beyond provisions of law prohibited	987
Envelopes, contracts for, by Postmaster-General	1382
Official, duty to provide	1468
Indorsement	1467, 1468
Penalty envelopes, inclosure in official communications to Members of Congress	1470
Inclosure to persons for furnishing official information	1469
Printing	1157
Public printer to furnish	p. 742

DEPARTMENTS—Continued

	Section.
Equipment, purchase from other Government services	1357
Estimates, all estimates to be included	1151
Compensation of officers to be founded on express provisions of law	1158
Consolidation of offices or bureaus, submission in estimates	1151
Cost of printing and binding to be furnished by Public Printer	1420
Cost of printing documents or reports submitted in response to congressional inquiries	1426
Cost of publications to be obtained from Public Printer	1422
Deficiency, official to prepare, designation	1148, 1154
Preparation for President by Bureau of Budget	1144
Submission to Bureau of Budget	1149
Form, manner, and detail	1150
Explanations of items varying from usual in amount and of new items	1167
Form, manner, and detail of preparation and submission to Bureau of Budget	1150
Manner of communicating	1155
Official to prepare, designation, duties	1148, 1154
Outstanding appropriations	1168
Order and arrangement	1151-1153
Changes in, etc., submission	1151
Preparation for President by Bureau of Budget	1144
Printing and binding	1156, 1157
Public buildings or works, requisites	1161
Reports in, inefficient employees	1159
Requisites	1155
Revision by head of department	1149
Special or additional, explanations of	1151
Order and arrangement	1152
Restrictions on	1151
Statements in, condition of business	1160
Employees detailed from one bureau or office to another	1160
Government-owned buildings	1162
Inefficient employees	1159
Outstanding appropriations	1168
Per diem rates of allowance in lieu of subsistence	1019
Rented buildings	1163
Submission by officer or employee prohibited	1143
Submission to Bureau of Budget, failure to submit	1149
Form, manner, and detail	1150
Time of	1149
Supplemental and deficiency estimates, official to prepare, designation	1148, 1154
Preparation for President by Bureau of Budget	1144
Submission to Bureau of Budget	1149
Form, manner, and detail	1150
Transfers of salaries from one office or bureau to another, submission in estimates	1151
Evidence to be furnished Attorney General in suits in Court of Claims on claims determined in departments	1393
Examination of Congressional Record or noting publications	1454
Exchange, documents	1442
Typewriters, etc	1353, 1354
Facilities for study and research, use by scientific investigators, students, etc	1124
False claims	1274
Federal Board for Vocational Education may make studies, investigations, and reports in cooperation with	103
Federal Power Commission, furnishing records, etc., and information and detailing officers or experts to	106
Federal Trade Commission, furnishing records, etc., and information and detailing officials and employees to	1129a
Forest Service officials to aid other departments	580
Fuel, inspection	1346
Purchase of	1338

DEPARTMENTS—Continued

Section.

Funds, requisition by department procuring stores or materials or performing services for another department.....	1299
General Supply Committee, designation of members of.....	1338
Government Printing Office employees detailed to, restriction to work of printing and binding.....	997
Heads of, absence, vacancies temporarily filled.....	914, 916-919
Aid in acquisition of collections for National Zoological Park.....	1123
Aid to Commissioner of Fish and Fisheries.....	1122
Annual reports, extracts from, included in estimates.....	1174
Printing, number of copies.....	1418
Time of furnishing copy to Public Printer.....	1136, 1136a
Time of issue.....	1136a
Time of submission to Congress.....	1135
Appeal to, from withholding penalty for violation of hours of labor act.....	1367
Appointment of disbursing clerks.....	975
Appointment of fuel inspectors.....	1346
Apportionment of contingent funds.....	1177, 1186
Approval of orders for reprinting documents.....	1427
Approval of plans and estimates for buildings.....	1364
Approval of surety bonds.....	978
Attorney General's opinions.....	922, 923
Attorneys or counsel, Department of Justice to provide.....	939, 1389
Employment prohibited.....	989
Books, use of from Library of Congress.....	1121
Transfer to Library of Congress.....	1443
Buildings, approval of plans and estimates.....	1364
Estimates.....	1161
Preparation of plans, etc., by Supervising Architect of Treasury.....	1315
Procuring additional evidence of title to sites for.....	1311
Certificate of necessity for illustration in documents and reports.....	1413
Claims, transmission to Court of Claims.....	1397
Claims for damages to or loss of private property, adjustment.....	1384b
Claims against United States, professional services provided by Attorney General.....	1388, 1389
Subpoenas for witnesses.....	1385
Claims against United States for damages to or loss of private property, determination of.....	1384b
Classification of clerks and officers.....	930
Congressional Directory distributed to.....	1450
Copies of decisions of Court of Claims transmitted to.....	1449
Correction of defects in arrangement of business.....	968
Counsel to be furnished by Attorney General.....	989, 1389
Death, etc., of, suits by or against in official capacity.....	921
Vacancies temporarily filled.....	914, 916-919
Decisions of Comptroller of Treasury may be applied for.....	1202
Designation of members of General Supply Committee.....	1338
Designation of persons to distribute publications.....	1433
Designation of officials to prepare estimates.....	1148, 1154
Designation of persons to sign orders for printing.....	1407
Detail of clerks and employees.....	964
Detail of officers or employees to Personnel Classification Board.....	938c
Detail of persons as telegraph operators.....	1326
Disposition of useless papers.....	1464, 1465
Distribution of clerks and employees.....	964
Efficiency rating of employees.....	938i
Estimates, all to be included.....	1151
Designation of official to prepare.....	1148, 1154
Explanations of new, etc., items.....	1167
Form, manner, and detail.....	1150
Manner of communicating.....	1155
Outstanding appropriations.....	1168
Printing and binding.....	1156
Public buildings and works.....	1161

DEPARTMENTS—Continued

Heads of—Continued

Section.

Estimates—Continued

Restriction on special or additional	1151
Statements in, condition of business	1160
Details of employees	1160
Government-owned buildings	1162
Inefficient employees	1159
Outstanding appropriations	1168
Per diem allowances in lieu of subsistence	1019
Public buildings and works	1161
Rented buildings	1163
Submission to Bureau of Budget, failure to submit	1149
Form, manner, and detail	1150
Time of	1149
Estimates of Public Printer communicated to	1406
Evidence of title to sites for buildings to be furnished Attorney General	1311
Examination of Congressional Record for noting publications	1454
Exchange of documents	1442
Expenditure for transportation of remains of deceased employee prohibited	1027
Expenses of horses and carriages, etc.	1023-1025
Expiration of term, suits by or against in official capacity	921
Grading positions and fixing compensation	938d
Hours of labor for clerks and employees	945
Impressions of portraits furnished	1306
Increase of forces of clerks	965
Information to Court of Claims	1400
Inventories of property	43
Leaves of absence to clerks and employees	945, 946
Lease, real property acquired for Army storage purposes	1334
Storage accommodations in District of Columbia	1360
Lists of officers, etc., and employees to be filed for Official Register	1452, 1453
Mailing lists for documents to be furnished to Public Printer	1434
Notice to employees of separation from service on arrival at retirement age	1075
Notification by, to sureties of deficiency in officer's accounts	1243
Notification to, of deficiency in officer's accounts	1243
Orders to Public Printer for publications required	1454
Per diem allowance in lieu of subsistence to persons traveling on official business	1019
Printing not to be done without authority or necessity	1412
Printing of reports of chiefs of bureaus, etc.	1419
Publication of advertisements, etc., in District of Columbia not to be made unless directed by	1339
Publication of advertisements, etc., not to be made without written authority of	1344
Purchase of material, supplies, and equipment from other Government services	1357
Receiving pay in matters affecting United States	1101
Recommendations to, by Council of National Defence	101
Reduction of compensation and dismissals of employees for inefficiency	938i
Reduction of forces of clerks	965
Preference to persons honorably discharged from military or naval service and widows and orphans thereof	965
Regulations, administrative examination of accounts	1208
Government of departments	913
Making returns of public property	1212
Reports by, condition of business	945
Disbursing officers exchanging funds	1262
Duties and responsibilities of new positions, to Personnel Classification Board	938c
Employees in nonpay status, to Civil Service Commission	1082

DEPARTMENTS—Continued	Section.
Heads of—Continued	
Reports by—Continued	
Expenditures of contingent funds.....	1132, 1133
Printing in department printing offices.....	1407
Proceeds of public property.....	1173
Publications distributed.....	1433
Publications issued.....	1137
Travel by officers and employees.....	1134
Useless papers.....	1464, 1465
Reports to, condition of business.....	945
Council of National Defence.....	101
Printing in department printing offices.....	1407
Publications distributed.....	1433
Representation of, on consideration of applications for patents.....	1120
Request for preparation of plans, etc., for buildings by Super- vising Architect.....	1315
Requisitions for printing and binding.....	1417, 1420, 1425
Requisitions on Public Printer for supplies.....	1428
Resignation, etc., suits by or against, in official capacity.....	921
Vacancies temporarily filled.....	914, 916-919
Revision of classification of civil service employees.....	930
Salaries.....	911, 912
Sale of useless papers.....	1464, 1465
Sale of war supplies, material, equipment, etc., and buildings, plants, and factories.....	1302
Sale or lease of real property acquired for war storage purposes.....	1334
Sickness, etc., vacancies temporarily filled.....	914, 916-919
Statements by, of money arising from proceeds received and payments therefrom.....	1173
Statements to, by disbursing officers.....	1132
Storage accommodations in District of Columbia, lease of.....	1360
Storage and delivery of war surplus office materials, supplies, and equipment, cooperation with Secretary of Treasury.....	1303, p. 741
Suits by or against in official capacity not abated by death, etc.....	921
Suspension and report of disbursing officer exchanging funds.....	1262
Vacancies temporarily filled.....	914
Discretion of President.....	916
Extra compensation prohibited.....	919
Limitation of time.....	917
Restriction.....	918
Vehicles for, expenses.....	1023-1025
Hours of business.....	944, 945
Ice, purchase of.....	1338
Information from National Bureau of Criminal Identification.....	1130
Information to be furnished to Bureau of Budget.....	1147
Bureau of Efficiency.....	973
Commissioner of Internal Revenue as to contracts, etc.....	1383
Comptroller General.....	1216
Court of Claims.....	1400
Federal Power Commission.....	106
Federal Trade Commission.....	1129a
Secretary of Commerce, pertinent to census work.....	1129
United States Tariff Commission.....	1126
Investigation of administrative needs relating to personnel in.....	970-972
Investigations, administration of oaths to witnesses.....	1085
Journals, magazines, periodicals, etc., restrictions on publica- tion.....	1415, 1416
Laborers, authority to employ.....	984
Employment beyond provisions of law prohibited.....	987
Employment only as specifically appropriated for.....	985
Punishment for violation.....	986
Salaries.....	982
Lease of storage accommodations in District of Columbia.....	1360
Leaves of absence to clerks and employees.....	945-947

DEPARTMENTS—Continued

	Section.
Libraries, binding books for.....	1410
Copies of Congressional Record furnished to.....	1451
Depositories of Government publications.....	1445
Lists of officers, etc., and employees to be filed for Official Register.....	1452, 1453
Lump-sum appropriations not available for increased compensation, exceptions.....	1002
Magazines, etc., restrictions on publication.....	1415, 1416
Mail, free transmission of official matter.....	1467
Mailable printed or written matter.....	1474
Official envelopes, indorsement.....	1467, 1468
Duty to provide.....	1468
Penalty envelopes, inclosure in official communications to Members of Congress.....	1470
Inclosure to persons for furnishing official information.....	1469
Registration without payment of fee.....	1469
Mailing lists to be furnished Public Printer for distribution of publications.....	1434
Materials procured by one department for another, requisitions of funds.....	1299
Purchase from other Government services.....	1357
Mechanics, employment only as specifically appropriated for.....	985
Punishment for violation.....	986
Messengers, authority to employ.....	984
Employment beyond provisions of law prohibited.....	987
Employment only as specifically appropriated for.....	985
Punishment for violation.....	986
Salaries.....	982
Narcotic drugs seized, delivery by Secretary of Treasury.....	1304, p. 742
National Bureau of Criminal Identification, information from.....	1130
Newspapers, expenditures for, limitation.....	1185
Restrictions on payment for.....	1184
Oaths of office, custody.....	943
Officers, administration of oaths in investigations.....	1085
Aid in carrying out civil service rules.....	927
Bribery.....	1091
Accepting bribe.....	1102
Commissions.....	40
Details from outside District of Columbia to duty in District prohibited.....	985, 994
To Federal Power Commission.....	106
To Personnel Classification Board.....	938c
To United States Tariff Commission.....	1126
Dismissals for disloyal conduct.....	1112
Employing clerks, etc., beyond provisions of law prohibited.....	987
Employment only as specifically provided for.....	985
Punishment for violation.....	986
Expenditures for newspapers, etc., restricted.....	1184
Extra compensation prohibited.....	1011
Falsely pretending to be.....	1090
General Supply Committee, designation as members.....	1338
Giving advance information of crop reports.....	1106
Information to Bureau of Efficiency.....	973
Information to Secretary of Commerce pertinent to census work.....	1129
Interest in claims against United States.....	1100
Lapsed salaries, disposition.....	985
Private telephone service, expenditure for restricted.....	1187
Property returns.....	1209, 1210
Receiving fees for administering oaths of office prohibited.....	942
Regulations for conduct of.....	913
Submitting to Congress estimates or requests for appropriations, prohibited.....	1143
Travel by, reports.....	1134
Vehicles, for use of, restrictions.....	1023-1025

DEPARTMENTS—Continued

	Section.
Official envelopes, duty to provide	1468
Indorsement	1467, 1468
Orders for publications required	1454
Orders, instructions, etc., may be mailed by	1434
Paper and envelopes, Public Printer to furnish	p. 742
Penalty envelopes, inclosure in official communications to Members of Congress	1470
Inclosure to persons for furnishing official information	1469
Periodicals, expenditures for restricted	1184
Restrictions on publication	1415, 1416
Restrictions on purchase of from appropriations for contingent expenses	1183
Subscriptions to, payment in advance	1261
Petition in suits pending in Court of Claims transmitted to by Attorney General	1393
Political contributions	1093-1097
Practice before, use of name of Member of Congress in advertising	1392
Presenting false claims to	1274
Printing and binding, annual reports, bureau chiefs, etc., heads of departments to determine whether to be printed	1419
Annual reports, chiefs of bureaus, number of copies	1418
Executive officers, exclusion of unnecessary matter	1412
Type and form	1424
Heads of departments, number of copies	1418
Appropriations to which cost charged	1422
At Government Printing Office	1411, 1415
Certificate of necessity	1420
Debiting of cost	1420, 1422
Editions, two or more	1425
Estimate of cost from Public Printer	1420, 1422
Estimates for	1156, 1157
Exceeding appropriations prohibited	1417
Form and style	1423
Illustrations, etc., certificate of necessity	1413
Exclusion of unnecessary	1412
Not to be done without authority or necessity	1412, 1414
Other appropriations not to be used for	1157
Requisitions for	1414, 1417, 1420, 1425
Restrictions on	1412, 1414-1417
Restrictions on use of appropriations for printing and binding for illustrations, etc.	1413
Stationery	1157
Style of binding	1410
Printing offices in, control by Public Printer	1407
Establishment restricted	1409
Property, arms and ammunition for protection of	1300
Inventories	43
Regulations for custody, etc.	913
Returns of	1209-1212
Statement of proceeds of and payments therefrom	1173
Stealing	1274
Transportation through Quartermaster General	1309
Publications, compliments not to be sent with	1435
Copies to be delivered to Superintendent of Documents	1436
Copies supplied to Library of Congress	1437
Distribution	1433
Mailing, duty of Public Printer	1434
Employment of persons terminated	1434
Mailing lists, etc., to be furnished to Public Printer	1434
Transfer of equipment, etc., to Public Printer	1434
Use of appropriations prohibited	1434
Reports of publications distributed	1433
Reports of publications issued	1137
Purchase or drawing supplies from common schedule through more than one office or bureau prohibited, exception	1338
Purchase or manufacture of stores or materials or performance of services by one department for another, requisitions of funds	1299

DEPARTMENTS—Continued

	Section.
Recording clocks, use prohibited	948
Records, access by Bureau of Budget	1147
Access by Bureau of Efficiency	973
Access by Comptroller General	1216
Copies as evidence	1463
Deductions from salaries	1080
Regulations for custody, use, and preservation	913
Reductions in forces, retention of honorably discharged soldiers and sailors	969
Retention of persons honorably discharged from military or naval service and widows and orphans thereof	965
Registered mail	1469
Regulations for government of	913
Rent of buildings in District of Columbia instead of others rented	1359
Reports, annual reports of chiefs of bureaus, etc., printing, heads of departments to determine whether to be printed	1419
Printing, number of copies, binding	1418
Exclusion of unnecessary matter	1412
Type and form	1424
Annual reports of heads of departments, inclusion of extracts in estimates	1174
Printing, number of copies	1418
Time for furnishing copy to Public Printer	1136, 1136a
Time of issue	1136a
Time of making	1135
Compliments not to be sent with	1435
Condition of business	945
Employees in nonpay status	1082
Exchanges of typewriters, etc.	1353
Expenditures of contingent funds	1132, 1133
Inefficient employees	1159
Proceeds received and payments therefrom	1173
Publications distributed	1433
Publications issued	1137
Travel by officers and employees	1134
Useless papers	1464, 1465
Reports to, by Council of National Defense	101
Sale, typewriters, restriction	1354
Useless files	1464, 1465
Seals, forging, etc.	1110
Fraudulently affixing	1109
Special disbursing agents, bonds	977
Transfer to Navy Department of land selected for naval radio stations	1335
Stationery, contracts for, limited to one year	1370
Printing	1157
Public Printer to furnish	p. 742
Purchase	1338
Storage accommodations in District of Columbia, leasing	1360
Subscriptions to periodicals, payment in advance	1261
Supplies, advertisements for proposals	1337
Articles purchasable from contingent funds not to be purchased from any other appropriation	1186
Contracts for, limited to one year	1370
Furnished by Public Printer	1428
Compliance with rules for examinations and tests	1338
Miscellaneous advertisements and contracts for, by Secretary of Treasury	1338
Compliance with rules for examination and tests	1338
Purchase or drawing through more than one office or bureau	1338
Reports of purchases or drawings	1338
Procured by one department for another, requisitions of funds	1299
Purchase from other Government services	1357
Restrictions on purchases from contingent funds	1182

DEPARTMENTS—Continued	Section.
Telegraph lines connecting Capitol and departments, detail of operators	1326
Sale of condemned material	1328
Supervision	1326
Use restricted to official business	1327
Telephone service, contracting for	1338
Transactions with bureaus, etc., of War Department, settlement	1294-1298
Transfer to of employees of subtreasuries of Treasury Department	1004
Transfer to of records of war agencies	1466
Traveling expenses, per diem in lieu of subsistence	1019
Report to Congress	1134
Typewriters, exchange of	1353
Limitations on prices	1355, p. 741
Purchase from General Supply Committee	1356, p. 741
Repairs to, by General Supply Committee	p. 741
Reports of exchanges	1353
Restrictions on disposition of	1354
United States Tariff Commission, cooperation with	1126
Useless papers, disposition of	1464, 1465
Vacancies temporarily filled	914-919
Vehicles, expenses of horses and carriages restricted	1023
Name of department to be printed on	1024
Purchase, maintenance, etc., of carriages or vehicles, restricted	1024
Purchase, maintenance, etc., of passenger-carrying vehicles, estimates required	1025
Restrictions	1025
War material, supplies, and equipment, departments to purchase from other Government services	1357
Office material, etc., disposition	1303, p. 740
Storage and delivery	1303, p. 740
War agencies records, custody	1466
Sale	1302
Watchmen, authority to employ	984
Employment beyond provisions of law prohibited	987
Employment only as specifically appropriated for	985
Punishment for violation	986
Salaries	982
Waterways Commission, coordination and cooperation of services, etc., of departments, etc.	1128
DEPOSITIONS	
State notaries public authorized to take	1022a
DESTRUCTION	
Books, pamphlets, documents, etc.	1458
Condemned meat	212(2, 4)
Disbursing officers' checks	1257, 1258
Food or drugs adulterated or misbranded	275
Inclosures of public lands	605
Insecticides or fungicides adulterated or misbranded	259
Meat inspection marks, stamps, etc., or certificates	204, 207, 212 (9)
Objects of antiquity	600
Plant inspection certificates	238
Records	1459
By custodian	1460
Survey marks	604
Tea of inferior grade	287
Timber on public lands	606
Unlawful inclosures of public lands	598
Wild animals or birds in Alaska	484
DETAILS	
Agricultural Department, Division of Accounts and Disbursements, from and to	23
Law clerks, in or out of Washington	24
Library, from and to	22
Secretary's office, from and to	21
Army, Navy, and Marine Corps officers and men for work on highways	505

DETAILS—Continued

	Section.
Bureau of Animal Industry expert to advisory board for Hygienic Laboratory	107
Departments, clerks and employees within each, restrictions	964
Employee in each, for distribution of Government publications	1433
To operate telegraph lines connecting departments	1326
Employees from one bureau, etc., to another, statement in estimates	1160
Employees to office of President	995, p. 738
Officers and experts to Federal Power Commission	106
Officials and employees to Federal Trade Commission	1129a
To Civil Service Commission, prohibited	996, p. 738
To commissions, councils, boards, etc., prohibited	1180
Government Printing Office employees to departments, etc., restrictions	997, 1409a, p. 742
Medical officers of Public Health Service to Agricultural Department to assist in administration of Food and Drugs Act	280
Officers, clerks, and employees from outside District of Columbia for duty within District prohibited	985, 994
DETECTIVES	
Employees of private agencies not to be employed in Government service	991
DISBURSING OFFICERS AND AGENTS	
Accounts, deficiencies in, notice to sureties	1243
Limitation of action against sureties	1244
Entries of receipts, payments, and transfers	1256
Failure to account, proceedings	1249
Premiums on notes, drafts, warrants, etc.	1263
Time of rendering	1236
Unchanged for three years to be covered into Treasury	1223
Acting officer in case of absence of disbursing clerk or agent in departments, etc., in Washington	976
Acts of covered by bond of principal	976
Bond	976
Subject to liabilities and penalties of principal	976
Advances of money to	1260
Agricultural Department, administrative officer of fiscal affairs of department	13
Bond to cover acts of deputy	13
Deputy, authority to sign checks	13
Bond	13
Subject to liabilities and penalties of principal	13
Salary	8
Allowance of expenses for safe-keeping, transferring, and disbursing moneys	1264
Appointment	975
Bonds, applicable to acting officer	976
Renewal, etc.	975
Sureties, distraint proceedings against	1250
Limitation on action against	1244
Notice to, of deficiency	1243
Books, etc., inspection	1216, 1217
Claims for relief from responsibility for losses by, jurisdiction of Court of Claims	1394
Checks, etc., lost, stolen, or destroyed, issue of duplicates	1257
Payment in case of death	1258, 1259
Outstanding for three years, moneys deposited in Treasury	1220
Report to Secretary of Treasury	1224, 1225
Payment	1222
Compensation	975
Extra, disbursing appropriations for buildings	1266-1268
Officer with fixed salary, prohibited	1012
Decisions of Comptroller of Treasury may be applied for	1202
Decrees of Court of Claims on accounts of	1396
Deposit of moneys	1233, 1234
Distraint against delinquent	1250
Duties	975

DISBURSING OFFICERS AND AGENTS—Continued		Section.
Embezzlement	1281-1288	
Exchange of funds prohibited	1262	
Failure to pay over money, proceedings	1249	
Failure to account as required, proceedings	1249	
Ineligible to membership on General Supply Committee	1338	
Payment for uninspected fuel, unlawful	1348	
Payment in settlement of transactions between Engineer Department of War Department and other executive departments, etc	1295	
Payment in settlement of transactions between Medical Department of Army and other executive departments, etc	1296	
Payment in settlement of transactions between Signal Corps of War Department and other executive departments, etc	1298	
Payment in settlement of transactions between United States Military Academy and executive departments	1297	
Payment of accounts and claims adjusted and settled in General Accounting Office	1213	
Payment of expenses of commissions or inquiries prohibited	1179	
Receipting without paying from authorized funds or in full amount	1288	
Refusal to pay over or disburse money	1287	
Special, bonds	977	
Statements of expenditures to heads of departments	1132	
Superintendence of department buildings	975	
Trading in funds, debts, or property of United States or any State	1292	
Transfers to from Treasurer	1233	
Unlawfully using money	1281	
Vouchers, examination	1207	
DISEASES		
(See <i>Animals and Animal Industry; Plants</i>)		
DISMISSAL		
(See <i>Removals from Office</i>)		
Civil service employees	969	
Employees, for inefficiency	938i	
Employees and officials, for disloyal conduct	1112	
Officer accepting bribe	1102	
Officer, clerk, or employee making or receiving gifts	1086	
Officer failing to account for premiums on public funds	1263	
Officer or employee giving or receiving political contributions	1087	
DISTRIBUTION		
Congressional Directory	1450	
Congressional Record	1451	
Decisions of Comptroller of Treasury	1446	
Documents by Superintendent of Documents	1438	
Federal Farm Loan Board bulletins, through Agricultural Department	108	
Forest-tree seeds and plants	p. 732	
Geological Survey maps	1456	
Index to Statutes at Large	1448	
Official Register	1452	
Publications of departments, by Public Printer	1434	
By Superintendent of Documents	1436	
Revised Statutes and Supplement	1447	
Seeds, etc	74-77	
Statutes, pamphlet copies	71	
Statutes at Large	72	
Supreme Court Reports	73	
DISTRICT ATTORNEYS		
Animal Industry Act, duty to prosecute violations of	175	
Cotton Futures Act, duty to prosecute actions for penalties for violations	393	
Food and Drugs Act, certification to of violations	269	
Duty to prosecute violations of	270	
Insecticide Act, certification to of violations	253	
Duty to prosecute violations	254	
Plant Quarantine Act, duty to prosecute violations	238	
Standard Container Act, duty to prosecute violations	367	

DISTRICT ATTORNEYS—Continued	Section.
Titles to sites for buildings, assistance and information	1311
Legal services	1312
Twenty-eight Hour Law, duty to prosecute violations	199
Unlawful inclosure of public lands, duty to prosecute	595
DISTRICT OF COLUMBIA	
Advertisements, etc., for contracts not to be published in unless the supplies or labor are to be furnished in	1341
Payment without written authority prohibited	1343
Publication in	1339, 1340
Rates	1343
Selection of newspapers	1343
Alcohol for departments, etc., importation free of tax	1305
Animals, contagions, etc., diseases, supression and prevention of spread	174
Contagions, etc., diseases, quarantine	174, 181
Books in public libraries, stealing, etc	1458
Buildings, appropriations, expenditures for electricity restricted	1330
Control by Public Buildings Commission	1317
Erection on reservations, etc., restricted	1318
Gas, inspection of meters	1333a, p. 742
Limitation on payment for	1332
Taking statement of meters and reporting consumption	1333
Government-owned, reports by departments	1162
Rent, report by Agricultural Department	147
Rented for use of Government, report	1164, 1166
Renting instead of others rented	1359
Renting until appropriations made therefor, prohibited	1358
Storage accommodations, leasing	1360
Telegraph lines connecting, operation	1326
Sale of condemned material	1328
Supervision	1326
Use restricted to public business	1327
Water-supply, shutting off	1325
Buildings and grounds, laws of District extended to	1322
Lighting service, limitation on payment for	1331
No contract required	1331
Use for public ceremonies restricted	1320
Watchmen, Agricultural Department, powers and duties	42
Chief clerks of departments, etc., administration of oaths of office	942
Civil service, appointments, in, apportionment	927
Appointments in, certificate of residence by applicants for examination	935
Examinations	936
Appointment in departmental service in, certificate of residence	935
Classification of civilian positions in	938a-938n
Condition of business in departments in, reports	945
Clerks of Agricultural Department in, report	146
Dairy or food products falsely labeled as to place of production, sale in	264, 265
Deposit of money by collectors in	1226
Details, employees of Agricultural Department for accounting or disbursing duty in or out of District	23
Law clerks of Agricultural Department for service in or out of District	24
Officers, clerks, or employees outside of District to duty in	985, 994
Detectives, employees of private agencies not to be employed in Government service in	991
Disbursing clerks of departments, etc., in, acting officer	976
Efficiency ratings for classified service in	969-972
Employees of District government, restriction on reemployment in departments, etc., at increased compensation	1001
Food and drugs adulterated or misbranded, manufacture in	266
Sale in	267
Seizure	275

DISTRICT OF COLUMBIA—Continued		Section.
Fuel, delivery by Secretary of Interior to all branches of Federal service in	1330	
Government Fuel Yards	1349, 1350	
Payment for by disbursing officers in District without inspector's, etc., certificate, unlawful	1348	
Purchase by officers, etc., in District without inspection, etc., unlawful	1346	
Purchase from Secretary of Interior by all branches of Federal service in	1349	
Gas, limitation on price in public buildings	1332	
Reading of meters and reporting consumption in department buildings in	1333	
Gas and electric meters, inspection	1333a, p. 742	
Governmental facilities for research, use by scientific investigators, students, etc.	109, 1124	
Government Fuel Yards, establishment	1349	
Use of trucks of for hauling material for branches of Federal service	1351	
Holidays	958	
Per diem employees	959, 960	
Insecticides and fungicides adulterated or misbranded, manufacture in	250	
Sale in	251	
Seizure	259	
Justices of peace, authority to administer oaths and take acknowledgments	1022	
Authority to take depositions, etc.	1022a	
Meat, inspection in	206, 212 (2)	
Sale, etc., of uninspected meat prohibited	212 (17)	
Motor vehicle fuel sold by Government agencies, collection of tax	p. 742	
Notaries public, authority to administer oaths and take acknowledgments	1022	
Authority to take depositions	1022a	
Oaths or acknowledgments before justices of the peace of notaries public in	1022	
Official motor vehicles subject to regulations	p. 741	
Plant diseases, control and eradication	241	
Quarantine	236, 241	
Printing and binding for departments, etc., in, appropriations restricted to	1157	
Estimates for	1157	
Public Library, miscellaneous books to be turned over to by departments, etc.	1444	
Recording clocks, use prohibited in departments	948	
Reports of condition of business in departments, etc.	945	
Subsistence allowance to officers or employees outside of	1018	
Supplies, Agricultural Department, purchase from appropriation for contingent expenses and reimbursement from lump-fund appropriations	132	
Articles for departments in, purchasable from contingent funds not to be purchased from other appropriation	1186	
Miscellaneous supplies for departments in, purchase	1338	
Purchase outside of	1338a	
Travel by department officers and employees to points outside of, reports	1134	
Vehicles, Agricultural Department	142, p. 719	
For use of officials, etc., in, restrictions	1023, 1024	
Viruses, etc., for domestic animals, preparation, sale, etc., in District of worthless, etc., prohibited	221 (1)	
Washington Market Company, buildings and grounds, taking over, occupancy, and control by United States	88-96	
DITCHES		
(See <i>National Forests; Rights of Way</i>)		
DOCUMENTS		
(See <i>Bulletins; Printing and Binding; Publications; Reports</i>)		
Admissibility as evidence	1463	

DOCUMENTS—Continued

Section.

Accompanying annual reports, time of furnishing copies to Public Printer.....	1136,	1136a
Catalogue by Superintendent of Public Documents.....		1440
Compliments of officer not to be inserted in.....		1435
Cotton futures tax, production.....		386
Delivery of accumulations in departments to Superintendent of Documents.....		1441
Delivery of copy of each printed, to Superintendent of Documents by Public Printer.....		1439
Delivery of copy of each published, to Superintendent of Documents by departments.....		1439
Delivery of documents published for sale, to Superintendent of Documents.....		1438
Delivery to departments of documents published for their official use.....		1438
Distribution, supervision by Superintendent of Documents.....		1438
Exchange of surplus documents by departments.....		1442
Index of, by Superintendent of Documents.....		1439
Orders for by departments to Public Printer.....		1454
Printing and binding, appropriations to which cost to be charged.....		1422
Estimates of cost required with documents submitted in response to Congressional inquiries.....		1426
Exclusion of unnecessary matter.....		1412
Extra copies, binding.....		111
Illustrations, etc., exclusion of unnecessary.....		1412
Restriction on use of appropriation for.....		1413
To be printed at same time.....		1421
Reprinting of, required for sale.....		1427
Restrictions on, for departments.....	1412,	1414
Two or more editions.....		1425
Without authority of Congress, limitation on number of copies.....		1418
Public records, destroying, etc., punishment.....		1459
Custodian of, destroying, etc., punishment.....		1460
Sale by Superintendent of Documents.....		1438
Stealing, etc., destroying, etc., punishment.....		1458
DRAFTS		
(See <i>Checks</i>)		
Outstanding for three years.....	1220-1222	
Premiums on, to be accounted for.....		1263
DRUGS		
(See <i>Food and Drugs</i>)		
Delivery to departments; etc., of sized narcotic drugs.....	1304, p.	742
DUPLICATE		
Lost checks of disbursing officers.....	1257-1259	
DUPICATING MACHINES		
Agricultural Department, exchange.....		55
DURANGO, COLO.		
Grant of lands within San Juan Forest Reserve to, for water supply.....	872,	873
EASEMENTS		
(See <i>Rights of Way</i>)		
Lands acquired for protection of forested watersheds.....		632
Lands donated to United States valuable for timber crops.....	p.	733
Leased, etc., coal, phosphate, oil, oil shale, gas, and sodium lands, joint use.....		796
Leased, etc., phosphate, nitrate, potash, oil, gas, and asphalt lands, joint use.....		759
Rights of way on lands of United States, canals, ditches, etc.....	836, 842,	843
Electric plants, poles, and lines.....	842,	844
Lessees of oil or gas lands for pipe lines.....		795
Pipes and pipe lines.....	842,	843
Railroad companies.....	806-814	
Telegraph companies.....	845-847	
Telegraph or telephone poles and lines.....	842,	844
Wagon roads.....		812
Water plants, dams, reservoirs, etc.,.....	842,	843

EFFICIENCY RATINGS	Section.
Classification Act.....	9381
Duties relating to transferred to Bureau of Efficiency.....	972
Establishment of Civil Service Commission.....	969
Minimum for promotion, demotion, and dismissal.....	969
Records furnished by departments, etc.....	969
EGGS	
(See <i>Birds</i>)	
EGRET PLUMES	
Importation prohibited.....	455
EIGHT-HOUR LAW	
(See <i>Hours of Labor</i>)	
Text.....	1365-1366a
ELECTRIC LIGHT AND POWER SERVICE	
Contracts for.....	1338
Not required for lighting public grounds.....	1331
Expenditures for from appropriations for buildings in District of Columbia, restriction.....	1330
Limitation on payment for lighting, installing, etc., lamps in public grounds.....	1331
ELECTRIC PLANTS	
(See <i>National Forests; Rights of Way</i>)	
ELK	
Wyoming Elk Reserve.....	463, 464
EMBEZZLEMENT	
Banker, etc., receiving unauthorized deposit of public money.....	1289
Custodian failing to keep public moneys.....	1282
Disbursing officer unlawfully using public money.....	1281
Evidence, conversion.....	1288
Prima facie.....	1287
Record evidence.....	1286
Failure of officer to render accounts for money.....	1283
Failure to deposit moneys.....	1284
Officer embezzling public money or property.....	1290
Persons affected by provisions relating to public moneys.....	1285
Public money, property, etc.....	1277
Receipting for larger sums than are paid.....	1279
EMPLOYEES	
(See <i>Agriculture, Department of; Civil Service; Clerks; Departments; Employees' Compensation Act; Officers and Offices; and other specific titles</i>)	
Agricultural Department, appointment.....	9
Assaulting, resisting, etc., Bureau of Animal Industry.....	167
Cotton Standards Act.....	290ii
Grain Standards Act.....	300
Assignment of pay.....	29
Compensation, payment of increased from lump-sum appropriations.....	15
Rate specified.....	19
Details, Division of Accounts and Disbursements, from and to.....	23
Library, from and to.....	22
Office of Secretary, from and to.....	21
Employment for operation, etc., of property of Washington Market Co.....	89
Estimates for.....	145
Statement in.....	145
Expenses of in delivery of lectures, giving instruction, or acquiring information.....	34
Giving advance information of crop reports.....	1106
Issuing false crop reports.....	1107
Leave of absence to employees in Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands.....	27, 28
Forest Service employees in Alaska.....	26
Outside of Washington.....	25
Meat inspection, bribery.....	212 (20)
Payment for overtime work.....	216
Statement in estimates.....	212 (22)

EMPLOYEES—Continued

Agricultural Department—Continued

	Section.
Quarantine of imported livestock, appointment.....	189
Salaries.....	9
Changes in, payment from lump-funds.....	14
Maximum, of scientific employees.....	18
Payment from roll of bureau, etc.....	20
Payment of increased, from lump-sum appropriations.....	15
Receiving from outside sources in cooperative activities.....	37
Street-car fares, reimbursement for.....	32
Suppression of diseases of domestic animals, report.....	140
Traveling expenses, per diem in lieu of.....	31
Purchase of mileage and mileage books.....	30
Transfer from one station to another.....	33
Arrearage, set-off against salary.....	1030
Authority to employ.....	984
Bureau of Animal Industry, assaulting, resisting, etc.....	167
Employment.....	163
Meat inspection, payment for overtime work.....	216
Civil pension roll or honorable service roll prohibited.....	1029
Civil Service Retirement Act.....	1070-1084g
Classification.....	938a-938n
Allocation of positions to appropriate grades by heads of departments.....	938d
Review and revision by board.....	938d
Citation of act.....	938a
Compensation schedules, applicable only to employees in departments within District of Columbia.....	938e
Clerical, administrative, and fiscal service, classes of positions, duties, grades, and rates of compensation.....	938m
Custodial service, classes of positions, duties, grades, and rates of compensation.....	938m
Effective date of rates of salary in.....	938n
Employees excluded.....	938e
Professional and scientific service, classes of positions, duties, grades, and rates of compensation.....	938m
Subprofessional service, classes of positions, duties, grades, and rates of compensation.....	938m
Definitions.....	938b
Determination of compensation irrespective of sex.....	938d
Efficiency ratings, copy of current ratings to be filed with board.....	938i
Increases in compensation upon maintenance of.....	938g
Inspection of current ratings by representatives of board and by employees.....	938i
Reductions in compensation and dismissals when warranted by.....	938i
Systems of, basis for increase in compensation, continuance at existing compensation, decrease in compensation, and dismissal.....	938i
Rating of employees by heads of departments in accordance with.....	938i
Review and revision by board.....	938i
Estimates to conform to classification.....	938n
Increases in compensation, allowed to next higher rate of grade upon maintenance of efficiency ratings.....	938g
Beyond maximum rate for grade, prohibited.....	938g
Promotion to vacancy in higher class.....	938g
Without appropriation from which it may be paid, prohibited.....	938g
Personnel Classification Board, creation, composition, etc.....	938c
Current efficiency ratings filed with.....	938i
Details to from departments for temporary service.....	938c
Inspection of current efficiency records by representatives of.....	938i
Reductions in compensation and dismissals for inefficiency subject to approval of.....	938i
Regulations for grades, etc., of compensation schedules.....	938c

EMPLOYEES—Continued

Classification—Continued

Personnel Classification Board—Continued		Section.
Reports to by heads of departments as to new positions.....	938e	
Review and revision of allocation of positions.....	938d	
Review and revision of efficiency ratings.....	938i	
Statement of duties, qualifications, and titles of classes.....	938e	
Study of rates of compensation with view to readjustment.....	938l	
Reports, etc., of conclusions.....	938l	
Survey of field service and report of schedules of positions, grades, and salaries therefor.....	938e	
Preference to honorably discharged soldiers, sailors, and marines.....	938h	
Promotion to vacancy in higher class, compensation.....	938g	
Promotion to vacancy in higher grade in another department.....	938j	
Reductions in compensation and dismissals for inefficiency, by heads of departments.....	938i	
Subject to approval of board.....	938i	
Rules for determining initial compensation.....	938f	
Continuance of existing compensation if at rate of appropriate grade.....	938f	
Inclusion of bonus.....	938f	
Increase to minimum rate of appropriate grade or class if less than same.....	938f	
Increase to next higher rate of appropriate grade if not a fixed rate.....	938f	
New appointments at minimum rate of appropriate grade or class.....	938f	
Reduction to rate of appropriate grade nearest existing compensation if in excess.....	938f	
Temporary appointments not made permanent by act.....	938k	
Transfer from one department, etc., to vacancy in another.....	938j	
Municipal government of District of Columbia excepted.....	938j	
Compensation, additional, prohibited.....	1012	
Annual or monthly, computation and division of time.....	1031	
Apportionment to part of year's service.....	1010	
Civilian employees.....	1016-1016f	
Disability or death from injuries.....	1033-1069	
Extra prohibited.....	1012	
Increase by reemployment in another department.....	1000, 1001	
Lump-sum appropriations not available for increased compensation.....	1002	
Monthly deductions from, for civil service retirement and disability fund.....	1077	
Persons employed under lump-sum appropriations, prohibited.....	1015	
Withholding from person in arrears.....	1030	
Cotton Standards Act, assaulting, resisting, etc., influencing improperly.....	290ii	
Deceased, expenditure for transportation of remains prohibited.....	1027	
Deduction of income tax from amounts due from United States to nonresident aliens.....	p. 740	
Demotions, efficiency rating.....	969	
Details, Agricultural Department.....	21-24	
Bureau or office to another.....	964	
Departments to Civil Service Commission prohibited.....	996, p. 738	
Departments to Federal Trade Commission.....	1129a	
Departments to office of President authorized.....	995, p. 738	
Government Printing Office to departments, etc., restrictions.....	997	
	1409a, p. 742	
Outside of District of Columbia for duty within District, prohibited.....	985, 994	
Statement in estimates.....	1160	
Detectives of private agencies not to be employed.....	991	
Dismissal, disloyal conduct.....	1112	
Efficiency rating.....	969	
Distribution, alteration.....	964	
Divulging information obtained by Tariff Commission.....	1126	

EMPLOYEES—Continued		Section.
Efficiency ratings	-----	969
Employment, authority for	-----	984
Beyond provisions of law prohibited	-----	987
Only as specifically appropriated for	-----	985
Punishment for violation	-----	986
Expense accounts, administration of oaths, by whom	-----	1021
Administration of oaths, fees to notaries public who are salaried officers or employees prohibited	-----	1021
Experts in inaugurating new methods of business, money not to be used for unless specifically provided	-----	993
Experts, publicity, money not to be used for unless specifically appropriated	-----	992
Extortion by	-----	1092
False crop reports, issuing	-----	1107
False entries in accounts	-----	1280
False report of moneys	-----	1280
Falsely pretending to be	-----	1090
Forest Service, leave of absence to in Alaska	-----	26
Receiving salary from outside sources in cooperative activities	-----	37
Former employees in departments not to prosecute claims therein	-----	1391
Giving advance information of crop reports	-----	1106
Government Printing Office, detail to departments, etc., restrictions	-----	997
	1409a, p. 742	
Grain Standards Act, assaulting, resisting, etc.	-----	300
Holidays to per diem employees	-----	959, 960
Hours of labor	-----	944, 945
Public works	-----	1365, 1366a
Income-tax returns by, of payments by United States	-----	1115
Inefficient employees, report to Congress	-----	1159
Influencing Members of Congress as to legislation, use of appropriations for	-----	1098
Information to Bureau of Efficiency	-----	973
Interest in claims against United States	-----	1100
Interest in Indian contracts	-----	1374
Lapsed salaries	-----	985
Leave of absence	-----	945-947
Agricultural Department	-----	25-28
Forest Service	-----	26
Lists of, to be filed for Official Register	-----	1452
Meat inspection, bribery	-----	212(20)
Payment for overtime work	-----	216
Statement in estimates	-----	212(22)
Medical Reserve Corps, restoration to positions at expiration of service with	-----	954
Membership dues in societies and expenses of attending conventions not to be paid	-----	1026
Military or naval service in war with Germany, reinstatement to positions	-----	957
Military service in war with Germany, reinstatement to positions	-----	956
National Guard, leave of absence	-----	949-951
Restoration to positions at expiration of service with	-----	954
Naval Reserve Force not barred from employment	-----	1009
National forests, arrests by	-----	582
Oaths of office, fees for administering not to be charged	-----	942
Oaths to expense accounts, fees for administering not to be charged	-----	1021
Obscene literature, etc., aiding trade in	-----	1108
Officers Reserve Corps, leave of absence	-----	952
Restoration to positions when relieved of duty	-----	955
Passport fees, exemption from	-----	1131
Political contributions, soliciting, receiving, etc., prohibited	1087, 1093-1097	
Presents, contributions, etc., to official superiors prohibited	-----	1086
Promotions, efficiency rating	-----	969
Purchasing claims for court fees at less than face value	-----	1099
Receipting for larger sums than paid	-----	1279
Recording clocks, use prohibited	-----	948

EMPLOYEES—Continued	Section.
Removal from classified service.....	974
Retirement for age or disability, administration of act by Commissioner of Pensions.....	1073
Annuities, application for.....	1076
Assignment prohibited.....	1083
Commencement.....	1076
Duration.....	1076
Employees involuntarily separated from service before reaching retirement age.....	1084b
Deductions.....	1084b
Deferred annuity.....	1084b
Effect of reemployment.....	1084d
Immediate annuity in lieu of deferred conditions and computation.....	1084c
Qualifications.....	1084b
Employees involuntarily separated from service before reaching retirement age and subsequent to August 20, 1920.....	1084e
Exempt from legal process.....	1083
Time and manner of payment.....	1081
Appeals to Secretary of Interior.....	1073
Application for.....	1076
Basic salary, pay, or compensation defined.....	1071
Certificate.....	1076
Civil Service retirement and disability fund, establishment.....	1077
Investment.....	1077
Classifications and rates of annuities.....	1071
Contributions, donations, etc., supplemental to deductions from salaries of employees.....	1077
Death of employee, effect of.....	1080
Deductions from salaries, amount.....	1077
Consent of employees presumed.....	1078
Records by departments.....	1080
Regulations.....	1080
Return to employee on separation from service.....	1080
Return to employee on transfer from classified to unclassified service.....	1080
Definitions.....	1084a
Disability before retirement age.....	1074
Medical examination.....	1074
Fees for.....	1074
Discontinuance of annuity, refund of excess of contributions over.....	1074
Provisions not affected by act relating to annuities to employees involuntarily separated from service before reaching retirement age.....	1084g
Restoration to earning capacity, discontinuance of annuity.....	1074
Suspension of annuity, failure to appear for medical examination.....	1074
Employees continued in service without approval of Civil Service Commission or reemployed subsequent to retirement, credit for service without annuity.....	1084f
Employees eligible for.....	1070-1074, 1084a
Notice to employees of retirement.....	1075
Period of service, computation.....	1072
Exclusion of periods covered by pensions or war risk insurance.....	1072
Exclusion of periods of separation from service.....	1072
Inclusion of periods at different times and in different departments, etc.....	1072
Inclusion of periods of military or naval, etc., service.....	1072
Receiving annuity and compensation under Employees Compensation Act for same period prohibited.....	1074
Records kept by Civil Service Commission of appointments, transfers, changes in grade, separations from service, reinstatements, loss of pay, etc.....	1082

EMPLOYEES—Continued

Retirement for age or disability—Continued	Section.
Reinstatement of former employee, deposit of amount of deductions from salary.....	1079
Repeal of inconsistent laws.....	1084
Report by Commissioner of Pensions.....	1082
Reports by heads of departments, etc., to Civil Service Commission of names and grades of employees.....	1082
Retention in service after retirement age.....	1075
Transfer of employee from unclassified to classified status, deposit of amount of deductions from salary.....	1079
Returns to Commissioner of Internal Revenue relating to payments by United States.....	1115, p. 739
Right to petition Congress.....	974
Salaries.....	982
Additional compensation to civilian employees.....	1016-1016f
Apportionment to part of year's service.....	1010
Extra allowance, etc., prohibited.....	1012
Lump-sum appropriations not available for increased.....	1002
Monthly deductions for civil service retirement and disability fund.....	1077, 1078
Receiving from source other than United States.....	1032
Withholding from person in arrears.....	1030
Statements, Agricultural Department.....	145, 146
Details from bureau or office to another.....	1160
In estimates for lump-sum appropriations.....	1169, 1170
Submission to Congress of estimates or requests for appropriations by, prohibited.....	1143
Suit by for infringement of patent by Government not permitted.....	1119
Transfers, departments to Census Office.....	1003
One department, etc., to another, restriction.....	998, 999
Subtreasury employees from Treasury Department to other departments.....	1004
Travel, statement to Congress.....	1134
Traveling expenses, actual only allowed.....	1017
Statement to Congress.....	1134
Subsistence, allowance, limitation on.....	1018
Per diem allowance in lieu of, statement in estimates.....	1019
Unauthorized employment prohibited.....	987
Utilization in connection with military reserve organizations.....	1125
Vehicles for use of, purchase, maintenance, etc., restricted.....	1024, 1025
Weather Bureau, appointment.....	150
Traveling expenses when transferred from one station to another.....	161
EMPLOYEES COMPENSATION ACT	
Adjustment of compensation in case of receipt by employee of money, etc., from third person.....	1058
Assignment of claims void.....	1057
Award by commission.....	1064
Cancellation of awards by commission.....	1066
Recovery of compensation paid.....	1066
Claim for compensation, assignment void.....	1051
Certificate of physician.....	1051
Delivery.....	1050
Exempt from claims of creditors.....	1057
Form and requisites, waiver of.....	1051
Time of making.....	1052
Written required.....	1050
Compensation for disability or death of employee resulting from injury.....	1033
Computation, monthly pay of employee.....	1044
Wage earning capacity.....	1045
Death, compensation to heirs.....	1042
Payment of lump sum.....	1046
Payment to personal representatives, burial expenses.....	1043
Transportation of remains.....	1043
Decrease of compensation on basis of decreased earning capacity on account of old age.....	1038

EMPLOYEES COMPENSATION ACT—Continued

	Section.
Definitions-----	1068, p. 739
Employees Compensation Commission, award by-----	1064
Cancellation of awards-----	1066
Creation of, and appointment, qualifications, tenure, and salaries of members and principal office-----	1059
Estimates of appropriations-----	1063
Findings by-----	1064
Information and reports to from departments-----	1060
Other commissions, etc., provided for payment of compensation discontinued-----	1060
Perjury before, punishment-----	1067
Power to issue subpoenas for witnesses-----	1061
Regulations-----	1062
Report to of injury to employee-----	1056
Review of awards-----	1065, p. 738
Transfer of clerks and employees from superseded commis- sions, etc-----	1060
Employees' compensation fund, additions to-----	1063
Appropriation for-----	1063
Estimates for-----	1063
Payment of awards from-----	1064
Estimates of appropriations for maintenance of fund-----	1063
Exemption of compensation and claims therefor from claims of creditors-----	1057
Findings by commission-----	1064
Increase of compensation on basis of prospective increased earn- ing capacity-----	1038
Information and reports from departments to commission-----	1060
Injuries occurring prior to passage of act, compensation for-----	1069
Intoxication, no compensation if injury or death caused by-----	1033
Leave of absence, time disability compensation to begin in case of-----	1040
Medical, surgical, and hospital services-----	1041
Transportation expenses for-----	1041
Monthly pay, computation-----	1044
Notice of injury, delivery-----	1047
Failure to give-----	1049
Requisites-----	1048
Time of-----	1047
Partial disability, affidavit by employee-----	1036
Compensation for-----	1036
Computation of wage-earning capacity-----	1045
Monthly compensation for-----	1038
No compensation if suitable work refused-----	1037
Payment of compensation-----	1064
Pensions for service in Army or Navy not affected-----	1039
Perjury before commission, punishment-----	1067
Permanent partial disability, payment of lump sum, determination of amount-----	1046
Permanent total disability, payment of lump sum, determination of amount-----	1046
Person receiving compensation not to be paid for services-----	1039
Physical examination of employee, disagreement between physicians-----	1054
Effect of refusal to submit to-----	1053
Fees-----	1055
Payment of traveling, etc., expenses and loss of wages in order to submit to-----	1053
Prosecution or compromise by commission of claims assigned to United States-----	1057a
Recovery of compensation paid by mistake, disposition of amount-----	1066
Repeal of inconsistent acts-----	1069
Report of injury to employee, superior to make-----	1056
Review of awards by commission-----	1065, p. 738
Subrogation of United States against third party causing injury, as- signment by employee of right of action-----	1057a
Disposition of money realized-----	1057a
Prosecution or compromise of claim-----	1057a

EMPLOYEES COMPENSATION ACT—Continued	Section.
Time of accrual of right to compensation-----	1034
Total disability, compensation for-----	1035
Monthly compensation for-----	1038
Willful misconduct of employee, no compensation if injury or death caused by-----	1033
ENGINEERS	
Agricultural Department, salary-----	8
Employment beyond provisions of law prohibited-----	987
ENTOMOLOGISTS	
Agricultural Department, appointment-----	9
Salary-----	8
ENTOMOLOGICAL COMMISSION	
Work transferred to Agricultural Department-----	81
ENTOMOLOGY	
Bureau in Agricultural Department, appointment from, to Federal Horticultural Board-----	240
ENVELOPES	
Contracts for by Postmaster General-----	1382
Official, endorsement-----	1467-1469
Use to avoid postage, punishment-----	1480
Penalty envelopes, departments to inclose for answers in communi- cations to Members of Congress-----	1470
Departments may inclose to persons from whom official infor- mation is desired-----	1469
Printed envelopes for mailing seeds-----	76
Printing for departments-----	1157
Public Printer to furnish to departments-----	p. 742
ESTIMATES	
(See <i>Appropriations; Budget System</i>)	
Additional, explanation of-----	1151
Restrictions on-----	1151
To conform in order and arrangement with original-----	1152
Agricultural Department, Alaska Game Law-----	488
Expenditures from national forest special fund-----	966
Officers, clerks, and employees-----	145
Order and arrangement-----	146
Statements in, clerks paid from general appropriations-----	146
Completed investigations and services-----	143, 144
Meat inspection, persons employed-----	212(22)
Officers, clerks, and employees on lump-fund appropriations-----	145
Quantity of earth, stone, and timber taken from national forests for use of Navy and Alaskan railways-----	558
Rent in District of Columbia-----	147
Weather Bureau-----	151
Alaska Game Law, by Agricultural Department-----	488
All estimates to be included-----	1151
Budget to contain-----	1139, 1142
Compensation of officers founded on express law-----	1158
Contents, order, and arrangement-----	1142
Form, manner, and detail of submission by departments-----	1150
Department official designated to prepare, duties-----	1148, 1154
Explanations of items varying from usual in amount and of new items-----	1167
Extracts from annual reports of departments, submission with-----	1174
Fiscal year of Treasury in matters of-----	1196
Lump-sum appropriations, order and arrangement-----	1142
Statements required with-----	1142, 1169, 1170
Manner of communicating-----	1155
Order and arrangement-----	1142, 1151, 1152
Changes, etc., method of submission-----	1151
Rearrangement to comply with requirements-----	1153
Preparation by department officials-----	1148, 1154
Preparation for President by Bureau of Budget-----	1144
Printing and binding, departments, etc., to Congress-----	1156, 1157
Public Printer to Congress-----	1406
Notification to departments-----	1406

ESTIMATES—Continued

Printing and binding—Continued	Section.
Public Printer to furnish departments estimate of cost.....	1420
Publications, departments to obtain from Public Printer estimate of cost.....	1422
Reports or documents submitted by departments in response to Congressional inquiries.....	1426
Public buildings or works, requisites.....	1161
References in, to laws authorizing.....	1155
Reports in, inefficient employees.....	1159
Requisites of.....	1155
Revision by heads of departments.....	1149
Special or additional, restrictions on.....	1151, 1152
Statements in, buildings rented.....	1163-1166
Government-owned buildings in District of Columbia.....	1162
Condition of business in departments.....	1160
Employees detailed from one bureau or office to another.....	1160
Inefficient employees.....	1159
Lump-sum appropriations.....	1142, 1169, 1170
Outstanding appropriations.....	1168
Per diem rates of allowance in lieu of subsistence.....	1019
Proceeds of sales of public property.....	1171, 1172
Submission by department officer or employee prohibited.....	1143
Submission by departments to Bureau of Budget, failure to submit.....	1149
Form and manner.....	1150
Time for.....	1149
Supplemental or deficiency, contents, order, and arrangement.....	1142
Form, manner, and detail of submission by departments.....	1150
Preparation by designated department official.....	1148, 1154
Preparation for President by Bureau of Budget.....	1144
Transmission to Congress by President.....	1141
Vehicles, passenger-carrying.....	1025
Weather Bureau, by Secretary of Agriculture.....	151

EVIDENCE

(See *Witnesses*)

Certificates as to classification of cotton, Cotton Futures Act.....	383
Cotton Standards Act.....	290dd
Certificates of agents of Agricultural Department as to quality and condition of farm products.....	87, p. 716
Claims adjudicated by departments, for Attorney General.....	1393
Copies of books, records, etc., of departments.....	1463
Embezzlement.....	1286-1288
Findings of Secretary of Agriculture as to grades of grain under Grain Standards Act.....	296
Proceedings against boards of trade under Grain Futures Act.....	406
Titles to sites for buildings, departments to procure for Attorney General.....	1311
Grantors to furnish.....	1312

EXAMINATIONS

(See *Inspection*)

Agricultural products in licensed warehouses under Warehouse Act.....	338
Books, etc., of warehouses licensed under Warehouse Act.....	341
Civil Service.....	927-936
Containers for small fruits and vegetables.....	306
Food and drugs.....	269, 276
Insecticides and fungicides.....	253, 260
Medical, disabled employees under Civil Service Retirement Act.....	1074
Naval stores.....	290d
Physical, injured employees under Employees' Compensation Act.....	1053-1055
Teas imported.....	284-288
Vessels carrying export cattle.....	201

EXCHANGE

Animals and animal products, Agricultural Department.....	164, 165
Bison, Agricultural Department.....	67
Books and periodicals, Agricultural Department.....	59
Documents, by heads of departments.....	1442
Lands in North Dakota for certain State lands for use of Agricultural Department in experiments in dry-land agriculture.....	51

EXCHANGE—Continued

	Section.
Lands or timber in national forests.....	693b-724c
Public funds by disbursing officers, etc., restricted.....	1255, 1262
Scientific apparatus, etc., Agricultural Department.....	58
Typewriters, etc.....	1353, 1354
Agricultural Department.....	55
Vehicles, Agricultural Department.....	56, p. 719
Parts, etc., Agricultural Department.....	57, p. 719

EXPENDITURES

(See *Accounts and Accounting; Appropriations; Budget System; Estimates; Moneys; Reports*)

EXPERIMENT STATIONS

(See *Agricultural Experiment Stations*)

EXPERTS

Board of tea experts.....	282
Business experts, money not to be used for, unless specifically provided.....	993
Detail of from departments to Federal Power Commission.....	106
Publicity experts, money not to be used for compensation unless specifically appropriated.....	992

EXPLOSIVES

Transfer by War Department to other departments.....	1301
--	------

EXPORTS AND EXPORTATION

Birds, or nests or eggs thereof, taken, etc., contrary to law, prohibited.....	474
Cattle, inspection, etc.....	187, 192, 212 (10-12)
Vessels carrying, examination, regulations.....	201, 202
Dairy products, inspection.....	218
Food and drugs adulterated or misbranded.....	267, 276
Insecticides and fungicides, adulterated or misbranded.....	251, 260
Meat, inspection, etc.....	204, 205, 209-212
Salted pork and bacon, inspection.....	204
Pulp wood or wood pulp from Alaska.....	557
Renovated butter, inspection, etc.....	219, 220
Timber on lands of United States, prohibited.....	606
Live oak or red cedar.....	609-612
Timber on national forests.....	556
Prohibited.....	542

EXTORTION

Officers, clerks, etc., guilty of, punishment.....	1092
--	------

FACILITIES FOR RESEARCH, ETC.

Governmental, use by scientific investigators, students, etc.....	109, 1126
---	-----------

FALSE

(See *Counterfeiting; Forgery*)

Accounts, etc., against United States, making, etc.....	1274
Acknowledgments in respect to contracts, bonds, etc., officer authorized to administer oaths making.....	1381
Branding, apples and apple barrels.....	313
Dairy or food products.....	264, 265
Foods and drugs.....	273
Insecticides and fungicides.....	257
Certificates, etc., officer making, etc.....	1105
Certificates of classification of cotton.....	290ii
Claims against United States, making, etc.....	1274
Crop reports, officer issuing.....	1107
Entries in accounts, officer, etc., making.....	1280
Official passes or permits, making, etc.....	1111
Personation, Government officer or employee.....	1090
Holder of debt, etc., due from United States.....	1272
Records, etc., officer making.....	1280
Custodian falsifying.....	1460
Reports of moneys, officer, etc., making.....	1280

FARMERS' BULLETINS

Adaptation to sections of country.....	112, 113, p. 716
Allotment to Members of Congress.....	112, 113, p. 716

FARM PRODUCTS

(See *Warehouses*)

	Section.
FARM PRODUCTS—Continued	
Investigation and certification of quality and condition at central markets.....	87, p. 716
Certificates of agents of Agricultural Department received as prima facie evidence.....	87, p. 716
Fees.....	87, p. 716
FEDERAL AID ACT	
(See <i>Highways</i>)	
Text	494-502
FEDERAL BOARD FOR VOCATIONAL EDUCATION	
Cooperation with Agricultural Department.....	102
Other departments, etc.....	103
Creation, composition, etc.....	102
Secretary of Agriculture a member.....	102
FEDERAL FARM LOAN BOARD	
Distribution of bulletins of, through Agricultural Department.....	108
FEDERAL HIGHWAY ACT	
(See <i>Highways</i>)	
Text	511-535
FEDERAL HORTICULTURAL BOARD	
Appointment, composition.....	240
FEDERAL POWER COMMISSION	
Cooperation with departments.....	106
Creation, composition, etc.....	104
Detail of officers or experts from departments to.....	106
Information furnished by departments to.....	106
Secretary of Agriculture a member.....	104
Work by and through Agricultural Department.....	105
FEDERAL RESERVE BANK ORGANIZATION COMMITTEE	
Secretary of Agriculture a member.....	100
FEDERAL TRADE COMMISSION	
Detail of officials and employees from departments to.....	1129a
Information furnished by departments to.....	1129a
FEES	
Administering oath of office by officers, etc., charging or receiving prohibited.....	942
Administering oaths to expense accounts by officers or employees, not to be charged or allowed.....	1021
Delinquents accountable for money, forfeiture.....	1238
Disbursements on account of sites for buildings, prohibited.....	1267a
On account of construction of buildings, restricted.....	1267a
Disbursing agents for buildings and grounds outside of Washington...	1268
Disbursing moneys appropriated for construction of buildings, limitation	1266, 1267
Grain Standards Act, appeals from inspection.....	296
Inspection of food products for export.....	279
Investigation and certification of farm products at central markets	87, p. 716
Medical examination of disabled employees under Civil Service Retirement Act.....	1074
Physical examination of employees claiming compensation for injuries under employees' compensation act.....	1055
Passports to officers or employees, exemption.....	1131
Warehouse act, inspection and licenses.....	324
Witnesses in claims against United States.....	1386
FENCING ACT	
(See <i>Public Lands</i>)	
Text	594-599
FENCES	
(See <i>Public Lands</i>)	
International boundary lines, to keep out diseased animals.....	194
Lands of United States, breaking, etc.....	605
FILES	
Disposition of accumulations.....	1464, 1465
Agricultural Department	69
FILMS	
Agricultural Department, loan, rent, or sale.....	65

FISCAL AGENTS	
(See <i>Money</i>)	
FISCAL YEAR	Section.
Treasury, in matters of accounts, receipts, expenditures, estimates, and appropriations	1196
FISHLAKE NATIONAL FOREST	
Exchange with Salina Grazing Co. of certain lands within	706
FIRES	
(See <i>Forest Fires</i>)	
Failure to extinguish on public domain	622
Forest fires, national forests, free use of timber for telephone lines for fire protection	555
National forests, protection	541
Reimbursement of owners for horses, etc., damaged, etc., while fire fighting	575
Officials of Forest Service to aid in enforcement of local laws	580
Prevention and suppression	p. 731
Protection of forested watersheds	825, p. 323
Setting fire to timber, etc., on public domain	621, 622
FISH	
Forest Service officials to aid in enforcement of local laws	580
Protection on areas set aside on lands acquired for protection of watersheds	643
Upper Mississippi River Wild Life and Fish Refuge	pp. 723-726
FLAGSTAFF, ARIZ.	
Right of way for pipe line in San Francisco Forest Reserve for water supply	862, 863
FLAX	
(See <i>Grain Standards</i>)	
Importation of seeds adulterated or unfit for seeding	222-227
FLORIDA	
Buena Vista, acquisition of site for plant-propagating station	53
Timber of United States in, preservation	607
Liveoak, clearance of vessels laden with	610
FLORIDA NATIONAL FOREST	
Exchange of lands of, for privately owned lands within	708
FLUMES	
(See <i>National Forests; Rights of Way</i>)	
FOOD	
(See <i>Apples; Dairy Products; Food and Drugs; Meat Inspection; Renovated Butter; Tea</i>)	
FOOD AND DRUGS	
(See <i>Apples; Dairy Products; Meat Inspection; Tea</i>)	
Adulterated or misbranded, articles intended for export	267
Certification to district attorneys	269
Condemnation	275
Delivery to owner on bond	275
Destruction or sale	275
Imported, refusal of admission	276
Interstate or foreign commerce in, prohibited	267
Judgment of court, notice by publication	269
Jury trial	275
Libel proceedings	275
Manufacture in Territories or District of Columbia prohibited	266
Notice of	269
Opportunity for hearing	269
Proceedings for seizure and condemnation	275
Prosecutions by district attorneys	270
Seizure	275
Apples	309-314
Butter, definition of under Food and Drugs Act	278a
Dairy products for exportation, inspection, etc.	218
District attorneys, adulteration or misbranding certified to	269
Prosecutions by	270
Drugs, "adulterated" defined	272
Adulteration, below professed standard	272
Different from recognized standard	272

FOOD AND DRUGS—Continued

Drugs, "adulterated" defined—Continued	Section.
"Drug" defined.....	271
"Misbranded" defined.....	273
Misbranding, failure to state on label quantity or proportion of alcohol, morphine, etc.....	273
Falsely branded as to place of manufacture.....	273
False or misleading statements, etc., on package or label as to ingredients.....	273
False statement of curative or therapeutic effect.....	273
Imitation or use of name of another article.....	273
Removal and substitution of contents of package.....	273
Examinations of specimens.....	269, 276
Food, "adulterated" defined.....	272
Adulteration, damage or inferiority concealed.....	272
Filthy, etc., substances.....	272
Poisonous or deleterious ingredients added.....	272
Portions of animals unfit for food.....	272
Preservatives for shipment.....	272
Product of animal dead other than by slaughter.....	272
Product of diseased animal.....	272
Substances mixed so as to reduce quality or strength.....	272
Substances substituted.....	272
Valuable constituents abstracted.....	272
"Food" defined.....	271
Inspection certificates of food products for export, price, disposition of proceeds.....	279
"Misbranded" defined.....	273
Misbranding, compounds, limitations, or blends.....	273
Failure to state quantity or proportion of morphine, etc.....	273
Falsely branded as to place of production.....	264, 265, 273
Falsely purporting to be a foreign product.....	273
False or misleading statements, etc., on package or label as to ingredients.....	273
Imitation or use of name of another article.....	273
Labeled or branded so as to deceive or mislead the purchaser.....	273
Mixtures or compounds under distinctive names.....	273
Package not marked with weight, etc.....	273, 278
Removal and substitution of contents of package.....	273
Trade formulas, exemption from disclosure.....	273
Wrapped meats.....	278
Suspension of importation of adulterated.....	263
Food and Drugs Act.....	266-277
Butter, definition of.....	278a
Detail of medical officers from Public Health Service to Agricultural Department for assistance in administration of, payment of compensation and expenses.....	280
Imported meat subject to, after entry.....	217
Regulations for carrying out provisions of.....	268
Report of compensation and expenses paid to State, etc., officers, etc., in enforcement of.....	141
Guaranty by wholesaler, jobber, etc., as protection to dealer.....	274
Importation, charges for storage, etc.....	276
Delivery to consignee on bond.....	276
Refusal of admission of adulterated or misbranded.....	276
Samples delivered by Secretary of Treasury to Secretary of Agriculture.....	276
Liability of corporations, etc., for acts of officers, etc.....	277
Meat, inspection, etc.....	204-217
Renovated butter.....	219, 220
Specimens, examinations.....	269, 276
Tea, importation of.....	281-290
"Territory" defined.....	277
FOOD AND DRUGS ACT	
(See <i>Food and Drugs</i>)	
Text.....	266-277

FOREIGN COMMERCE	Section.
Bees	262a, 262b
Birds, etc.	453-455, 465, 472, 474
Dairy products	218
Food and drugs	263-279
Grain Standards Act	291-302
Insecticides and fungicides	250-262
Insects injurious to crops	246-249
Live stock	178-180, 187-195, 201-203, 212 (10-12)
Meat and meat products	204, 205, 209, 211, 212-215, 217
Nursery stock	229-240, 242
Plants, etc.	229-240, 242
Renovated butter	219, 220
Seeds and grain	222-227
Teas	281-290
Viruses, serums, etc., for domestic animals	221
Warehouse Act	315-347
FOREIGN DECORATIONS	
Delivery to officers through State Department	1114
Officer receiving not to wear publicly	1113
FORESTER	
Agricultural Department, Supreme Court reports for	73
FOREST FIRES	
Advances under appropriations to Forest Service for fighting	135
Cooperation by Secretary of Agriculture with States in protection of forested watersheds of navigable streams from fire	625
Appropriation	625
Limitation on amount of Federal expenditure	625
Organization and maintenance of systems of fire protection on private or State lands	625
Cooperation by Secretary of Agriculture with States in protection of timbered and forest-producing lands from fire	p. 731
Appropriations	p. 732
Consideration to watersheds of navigable streams	p. 731
Extension to any timbered or forest-producing lands	p. 731
Limitation on amount of Federal expenditure	p. 731
Cooperation by Secretary of Agriculture with States in recommenda- tion of systems of fire prevention and suppression	p. 731
Appropriations	p. 732
National forests, free use of timber for telephone lines for fire pro- tection	555
Protection	541
Reimbursement of owners for horses, etc., damaged, etc., while fire fighting	575
Officials of Forest Service to aid in enforcement of local laws	580
Setting fire to timber on public domain	621
FOREST GROVE, OREG.	
Transfer of block in, from Interior Department to Agricultural De- partment for use of Bureau of Entomology	52
FOREST LIEU LANDS ACT	
(See <i>National Forests</i>)	
Text	538-549
FOREST MAPS	
Agricultural Department, sale of	63
FOREST RESERVE ACTS	
(See <i>National Forests</i>)	
Text	536, 538-549, 836-839
FOREST RESERVE HOMESTEAD ACT	
(See <i>National Forests</i>)	
Text	725-728
FOREST RESERVES	
(See <i>National Forests</i>)	
To be known as National Forests	537
FORESTRY	
(See <i>Forest Service; National Forests</i>)	
Bureau in Agricultural Department, laws relating to former divi- sion made applicable to	10

FORESTS

(See *Forest Fires; National Forests; Timber*)

Section.

Cooperation by Secretary of Agriculture with States in procurement, production, and distribution of forest-tree seeds and plants-----	p. 732
Appropriations-----	p. 732
Limitation on amount of Federal expenditure-----	p. 732
Cooperation by Secretary of Agriculture with States, etc., to assist farm owners in establishing, etc., wood lots, shelter belts, wind breaks, etc.-----	p. 732
Appropriations-----	p. 732
Limitation on amount of Federal expenditure-----	p. 732
Donations to United States of lands for timber purposes-----	p. 733
Acceptance of title-----	p. 733
Lands accepted to become national forest lands-----	p. 733
Payment of expenses of conveyance-----	p. 733
Preference in sales of timber from lands acquired-----	p. 733
Property, etc., reserved, subject to State tax laws-----	p. 733
Reservations to donors of standing timber, mineral rights, etc.-----	p. 733
Size and location of lands accepted-----	p. 733
Expenditure by Secretary of Agriculture in study of effects of tax laws, methods, and practices upon forest perpetuation-----	p. 732
Appropriations-----	p. 732

FOREST SERVICE

(See *Agriculture, Department of; National Forests*)

Administration sites in Bitter Root Valley, Mont., extension of mining laws not applicable-----	744
Advances under appropriations for fighting forest fires, accounts-----	135
Bond-----	135
Appointment from, to Federal Horticultural Board-----	240
Appropriations, advances for fighting forest fires-----	135
Use for preparation or publication of newspaper or magazine articles prohibited-----	35
Use for traveling expenses restricted-----	579
Chief of, member of National Capital Park Commission-----	p. 729
Contributions from outside sources in cooperative activities, payment-----	36
Salaries from-----	37
Forester and Chief of Forest Service, copies of Supreme Court reports for-----	73
Leave of absence to employees in Alaska-----	26
Lighthouse Service appropriations available for cooperation in management of forest land on lighthouse reservations-----	582a
Newspaper or magazine articles, use of appropriations for prohibited-----	35
Officials, aid in enforcement of local laws-----	580
Aid to other bureaus and departments-----	580
Surveys, etc., of agricultural lands in national forests made by Forest Service employees-----	732
Telephone supplies, transfer by Secretary of War to Agricultural Department for use of Forest Service-----	574
Traveling expenses, use of appropriations restricted to purposes authorized by law-----	579

FOREST SUPERVISORS AND RANGERS

Selection-----	578
----------------	-----

FOREST TRANSFER ACT

(See *National Forests*)

Text-----	79, 557, 565, 578, 843
-----------	------------------------

FORGERY

Affidavits-----	1269
Bids-----	1269
Bonds-----	1269
Certificates-----	1270
Cotton classification-----	2906i
Meat inspection-----	204, 207, 212 (9)
Plant inspection-----	238
Contracts-----	1269, 1270
Deeds-----	1270
Guaranties-----	1269
Licenses issued under Warehouse Act-----	344

FORGERY—Continued.

	Section.
Meat inspection, certificates.....	204, 207, 212 (9)
Marks, stamps, etc.....	204, 207, 212 (9)
Official bonds.....	1269
Official passes or permits.....	1111
Plant inspection certificates.....	238
Powers of attorney.....	1270
Public records.....	1269
Receipts.....	1270
Seals of departments.....	1110

FOURTH OF JULY

Holiday in District of Columbia.....	958
Per diem employees.....	960

FRANKS

(See <i>Mails</i>)	
Farmers' bulletins, Agricultural Department.....	112, 113, p. 716
Lending or permitting use of, unlawful.....	1479
Seeds and reports from Agricultural Department, expense of print- ing.....	78
Printed matter on.....	78
Public Printer to furnish.....	78
Size and style.....	78

FRESNO, CALIF.

Acquisition of lands occupied by experimental vineyards by Agricul- tural Department.....	54
--	----

FRUITS

(See <i>Apples; Containers for Fruits and Vegetables; Plants</i>)	
Injurious insects, interstate transportation, importation, and trans- mission in mails.....	246-249
Plant Quarantine Act.....	229-241
Standard Apple Barrel Act.....	309-314
Standard Container Act.....	303-308

FUEL

All branches of Federal service to purchase all fuel from Secretary of Interior, payment.....	1349
Delivery to all branches of Federal service by Secretary of Interior, time of.....	1350
Government fuel yards, establishment.....	1349
Inspectors, appointment.....	1346, 1347
Duties.....	1346
Motor-vehicle fuel sold by Government agency in District of Colum- bia for use in private vehicles, collection of tax.....	p. 742
Payment for fuel furnished by Secretary of Interior to branches of Federal service.....	1349, 1350
Payment for, not to be allowed without inspector's certificate.....	1348
Purchase for departments, etc.....	1338
Purchase for public service, inspection and weighing or measuring.....	1346
Purchase of all fuel for all branches of Federal service by Secretary of Interior.....	1349

FUNGICIDES

(See *Insecticides and Fungicides*)

FURNITURE

Agricultural Department, custody of.....	41
Purchase from appropriations for contingent expenses, reim- bursement from lump-fund appropriations.....	132
New buildings, conformity to plans and specifications.....	1324
Present, to be used.....	1323, p. 740

GAME

(See *Alaska; Birds; Wild Animals*)

Alaska, powers of Governor as to, transferred to Secretary of Agri- culture.....	p. 727
Protection.....	484-492
Alaska Game Act.....	484-491
Alaska, protection in.....	484-493, p. 257
Birds, eggs of, importation for propagation.....	453, 454
Preservation, etc., by Agricultural Department.....	82
Custer State Park Game Sanctuary.....	590-593, p. 729

GAME—Continued	Section.
Dead bodies, etc., of game animals or birds importation or interstate transportation of which is prohibited, subject to laws of State....	469
Forest Service officials to aid in enforcement of local laws.....	580
Grand Canyon Forest Reserve.....	586-589
Hunting, etc., Alaska.....	484-492
Custer State Park Game Sanctuary.....	591
Grand Canyon Forest Reserve.....	587
Lands acquired for protection of watersheds.....	643
Lands set aside as refuges or breeding grounds.....	456-458, p. 723
Medicine Bow National Forest.....	p. 730
Wichita Forest Reserve.....	584
Importation of eggs of game birds.....	453, 454
Marking packages in interstate or foreign commerce.....	467, 468
Migratory Bird Treaty Act.....	471-483
Migratory game and insectivorous birds, protection.....	470
Montana National Bison Range.....	460, 461
Protection on lands acquired for protection of watersheds.....	643
Refuge in Medicine Bow National Forest.....	p. 730
Refuge in South Dakota.....	p. 729
Sullys Hill National Park Game Preserve.....	459
Transportation of illegally killed.....	466, 468
Upper Mississippi River Wild Life and Fish Refuge.....	pp. 723-726
Wichita Forest Reserve.....	583-585
Wind Cave National Game Preserve.....	462
Wyoming Elk Reserve.....	463, 464
GAS	
(See <i>Mineral Lands and Minerals</i>)	
Department buildings in District of Columbia, inspection of meters.....	1333a, p. 742
Reading meters and reporting consumption.....	1333
Lamps in public grounds in District of Columbia, limitation on price for lighting, etc.....	1331
Lands and deposits, disposition.....	746, 747, 750, 767, 779-789, 793-805
Public buildings in District of Columbia, maximum rate of payment..	1332
GENERAL ACCOUNTING OFFICE	
(See <i>Accounts and Accounting; Auditors; Comptroller of Treasury</i>)	
All accounts to be settled in.....	1195
Books, etc., of offices of auditors and of Division of Bookkeeping and Warrants transferred to.....	1200
Books, etc., of office of Comptroller of Treasury transferred to.....	1197
Comptroller General, appointment.....	1198
Assistant, appointment, duties.....	1198
Conclusiveness of balances certified by.....	1199
Control and direction of General Accounting Office.....	1197
Examination of books, etc., of departments, etc.....	1216
Forms, systems, and procedure for administrative appropriation and fund accounting in departments, etc., prescribed by.....	1214
Information furnished by to Bureau of Budget.....	1215
Information furnished to by departments, etc.....	1216
Investigations of receipt, disbursement, and application of funds..	1215
Payments of adjusted accounts and claims through disbursing officers.....	1213
Reports to Congress.....	1215
Revision of settlements made by auditors discontinued.....	1199
Seal.....	1197
Control and direction by Comptroller General.....	1198
Creation as an independent establishment.....	1197
Duties of Division of Bookkeeping and Warrants relating to accounts of disbursing and collection officers vested in.....	1199
Officers and employees of offices of auditors transferred to.....	1200
Officers and employees of office of Comptroller of Treasury transferred to.....	1197
Powers and duties of Comptroller of Treasury and auditors transferred to.....	1199
Seal.....	1197

GENERAL SUPPLY COMMITTEE	Section.
Creation and composition	1338
Disbursing officers not to be on	1338
Duties	1338
Issue to departments, etc., of typewriters and computing machines unfit for further use	p. 741
Purchase of supplies and equipment for Center Market without awarded by	96a, p. 716
Purchases of typewriters to be made by departments, etc., from surplus stock	1356, p. 741
Unserviceable machines	1356, p. 741
Repairs to typewriters in Government service	p. 741
Report to of purchase or drawing of supplies	1338
Schedule of miscellaneous supplies	1338
GEOLOGICAL SURVEY	
Lands to be purchased for protection of watersheds, examination	629, p. 733
Maps and atlases, copies to departments of Government	1456
National Forests, establishment of boundaries	551
Surveys of lands	539
GEORGIA	
Agricultural Experiment Station, payment of appropriations to	449
Savannah, acquisition of site of plant propagating station at	53
GIFTS	
Meat inspectors, punishment	212(20)
Officers, etc., not to give or receive	1086
Political contributions, officers or employees, giving or receiving prohibited, punishment	1087
Soliciting, receiving, etc.	1093-1097
GOATS	
(See <i>Animals and Animal Industry; Meat Inspection</i>)	
GOVERNMENT FUEL YARDS	
(See <i>Fuel</i>)	
Establishment	1349
Use of trucks for hauling material for branches of Federal service. payment	1351
GOVERNMENT PRINTING OFFICE	
(See <i>Printing and Binding; Public Printer</i>)	
Branches in department buildings not to be established unless specifically authorized by law	1409
Department printing offices to be part of	1407
Distribution of public documents to be done at	1434
Employees' detail to any other executive branch of service, restriction	1409a, p. 742
Detail to departments, restriction to printing or binding work	997
Estimates by departments for printing and binding at	1156
Limitation of branches in department buildings	1409
Printing and binding for departments, etc., to be done at, exceptions	1411, 1415
Printing for Weather Bureau at	157, p. 719
Supplies, etc., in possession of Government officers to be delivered to	1408
Supplies of, to be used in department printing offices	1407
GRAIN	
(See <i>Grain Futures; Grain Standards Seeds; Warehouses for Agricultural Products</i>)	
Certificates of inspection	85
Examinations of and reports on samples by Secretary of Agriculture	85
Importation of grain adulterated or unfit for seeding	222
GRAIN FUTURES	
Appropriation for administration of act	412
Books and papers, production before Secretary of Agriculture or authorized representative	86
Contract markets, designation of boards of trade as, application for	406
Designation of boards of trade as, conditions and requirements	405
Redesignation	407
Refusal of, appeal	406

GRAIN FUTURES—Continued

Books and papers—Continued.

	Section.
Designation of boards of trade—Continued.	
Suspension or revocation, appeal to courts.....	406
Hearing.....	406
Notice.....	406
Order.....	406
Vacation, notice.....	407
Violation of act, complaint.....	406
Hearing.....	406
Order.....	406
Review by courts.....	406
Cooperation by Secretary of Agriculture with departments or agencies of Government, States, etc.....	412
Definitions, board of trade.....	402
Contract of sale.....	402
Future delivery.....	402
Grain.....	402
Grain futures.....	403
Interstate commerce.....	402
Person.....	402
State.....	402
Expenses of administration of act.....	412
Investigations and reports by Secretary of Agriculture.....	408
Liability of corporations, etc., for acts of officials, agents, etc.....	402
Oaths, administration by Secretary of Agriculture or authorized representative.....	86
Officers and employees for enforcement of act, appointment, etc.....	412
Partial invalidity of act.....	410
Reports by Secretary of Agriculture.....	408
Time of taking effect of act.....	411
Title of act.....	401
Transactions, declaration of national public interest.....	403
Transactions in interstate commerce construed.....	402
Unlawful transactions.....	404
Punishment.....	409
Witnesses, examination by Secretary of Agriculture or authorized representative.....	86

GRAIN STANDARDS

Alteration, notice of.....	292
Appeal, fees.....	296
Findings of Secretary of Agriculture, effect.....	296
From inspection.....	294, 296
Time for taking.....	296
Appropriation for carrying act into effect.....	302
Assaulting, etc., employee of Agricultural Department in execution of duties under act, punishment.....	300
Books and papers, production before Secretary of Agriculture or authorized representative.....	86
Definitions, interstate or foreign commerce.....	291
Person.....	291
Designation.....	293
Establishment.....	292
Examination of grain previously graded.....	295
Findings of Secretary of Agriculture, examination of grain previously graded.....	295
Prima facie evidence in courts.....	296
Publication, examination of previously graded grain.....	295
Inspection.....	294
Appeal from.....	294
Grain previously graded.....	295
Place of.....	294
Reference to other than official grades in contracts of sale, etc.....	294
Regulations.....	294
Inspectors, bribery, punishment.....	299
False certificate of grading, punishment.....	299
False grading, punishment.....	299
Grading without a license prohibited.....	297

GRAIN STANDARDS—Continued

Section.

Inspectors, bribery, punishment—Continued.

Licenses, issuance to-----	297
Qualifications-----	297
Records to be kept by-----	297
Reports to Secretary of Agriculture-----	297
Revocation of license-----	297
State grain inspection department, licenses issued to-----	297
Suspension of license-----	297

Investigation by Secretary of Agriculture of handling, grading, and transportation of grain----- 292

Liability of corporation, etc., for acts of officials, agents, etc----- 291

Licenses to inspect and grade grain, issuance----- 297

Revocation----- 297

Suspension----- 297

Temporary----- 297

Notice of alteration of standards----- 292

Oaths, administration by Secretary of Agriculture or authorized representative----- 86

Partial invalidity of act----- 301

Publication by Secretary of Agriculture of summary of certain facts----- 297

Reference to other than official grades in contracts of sale, etc., or shipping documents prohibited----- 294

Regulations, enforcement of act, by Secretary of Agriculture----- 298

Inspection----- 294

Representation of grain as of a grade other than officially certified, prohibited----- 295

Shipment of grain by grade, conditions----- 294

Shipment, sale, etc., of grain by sample or type permitted----- 294

Standards, alteration, notice----- 292

Designation----- 293

Establishment----- 292

Title of act----- 291

Violations of act, punishment----- 299, 300

Witnesses, examination by Secretary of Agriculture or authorized representative----- 86

GRAND CANYON FOREST RESERVE

Protection of game animals in----- 586-589

Grant of right of way to Santa Fe and Grand Canyon Railroad Co. over----- 815

GRASS

Importation of seeds adulterated or unfit for seeding----- 222-225

Tests of seeds----- 228, p. 721

GUAM

Agricultural experiment station, sale of products from----- pp. p. 716

Leaves of absence to employees of Agricultural Department in----- 27, 28

GUARANTY

Food and Drugs Act, protection from prosecution----- 274

Forging, etc----- 1269

Insecticide Act, protection from prosecution----- 258

Standard Container Act, protection from prosecution----- 308

HARNEY NATIONAL FOREST

Areas in set aside for protection of game animals and birds----- 590-593, 718

Exchange of nonmineral national forest lands for lands owned by South Dakota in----- 718

HATCH ACT

(See *Agricultural Experiment Stations*)

Text----- 431-440

HAWAII

Agricultural experiment station in, sale of products from----- 66, p. 716

Leaves of absence to employees of Agricultural Department in----- 27, 28

Federal aid in construction of highways, extended to----- p. 727

Franking privilege extended to----- 1471

HEADS OF DEPARTMENTS

(See *Departments; Secretary of Agriculture*)

HIGHWAYS

Accounting division, establishment by Secretary of Agriculture----- 514

Administration costs, deduction from appropriations----- 497, 531

HIGHWAYS—Continued

Section.

Agreement between Secretary of Agriculture and States regarding roads to be constructed.....	494
Aid to States where constitution or laws do not permit revenue for construction, etc., of highways.....	533
Appropriations for carrying out acts, amounts..... 496, 503, 530, 535a, p. 727	
Apportionment among States after deducting percentage for administration costs.....	497, 531, 535a, p. 727
Certification of amount.....	498, 532
Deduction of administration costs.....	497, 531
Apportionment of amounts to States.....	497, 531
Certification of amount.....	498, 532
Expenses for carrying out provisions.....	501
Funds apportioned to States, how long available.....	496, 531
States with constitutional prohibitions or restrictions on internal improvements.....	496, 503
When available.....	520
Hawaii entitled to share in.....	p. 727
National forest roads and trails, amounts, expenditure 573-573c, p. 728	
Payment to States.....	499, 523
Limitations of.....	499, 502a, 521
Time and manner.....	499, 523
Reapportionment of unexpended amounts among States.....	496, 531
Cooperation by Secretary of Agriculture with States in construction of rural post roads.....	494
Council of National Defense, powers and duties, etc., of in relation to highways or highway transport transferred to Secretary of Agriculture.....	513
Definitions.....	495, 512, 535b
Equipment, etc., of Council of National Defense for highways or highway transport transferred to Secretary of Agriculture.....	513
Equipment, etc., transfer by Secretary of War to Secretary of Agriculture.....	504, 506-510, 515
Failure to maintain roads constructed, duty of States.....	500, 524
Maintenance by Secretary of Agriculture.....	524
Notice by Secretary of Agriculture.....	500, 524
Reimbursement of costs by States.....	524
Refusal of approval of further projects.....	500, 524
False statements, etc., of work or materials, punishment.....	535c
Federal Aid Act.....	494-502
Federal Highway Act.....	511-535
Hawaii, Federal aid extended to.....	p. 727
Indian reservations, cooperation by Secretary of Agriculture with States and Department of Interior in construction.....	513
Labor, preference to honorably discharged soldiers, sailors, and marines.....	503
Maintenance of roads constructed.....	500, 524
Material, etc., of Council of National Defense for highways and highway transport transferred to Secretary of Agriculture.....	513
Material, etc., transfer by Secretary of War to Secretary of Agriculture.....	504, 506-510, 515
Motor vehicles and equipment, transfer by Secretary of War to Agricultural Department for improvement of highways.....	506, 508-510
National Forest roads and trails, appropriations for survey, construction, and maintenance of, amounts, mode and manner of expenditure.....	573-573c, p. 728
Partial invalidity of Federal Highway Act.....	534
Powers and duties of Council of National Defense in relation to highways and highway transport transferred to Secretary of Agriculture.....	513
Projects to receive Federal aid, approval by Secretary of Agriculture.....	499, 516, 535a, p. 727
Construction and reconstruction, approval of types and width of, by Secretary of Agriculture.....	518
Durable types of surface and kinds of materials required.....	518
Work, how done.....	499, 522

HIGHWAYS—Continued.

Projects to receive Federal aid—Continued.

	Section.
Division of highways into classes.....	516
Primary or interstate highways.....	516
Proportion of Federal aid to be expended on different classes.....	516
Secondary or intercounty highways.....	516
Engineering, inspection, etc., costs limited.....	499, 521
Estimates, etc., submission by States to and approval by Secretary of Agriculture.....	499, 521
Funds apportioned to States, when available.....	520
Improvement, repair, and maintenance, approval of character of by Secretary of Agriculture.....	518
Maps of selected and approved highways and forest roads.....	525
Payment to States of amounts set aside for projects.....	499, 523
Limitations of.....	499, 502a, 523
Times and manner of making.....	499, 523
Plans, specifications, etc., submission by States and approval by Secretary of Agriculture.....	499, 521
Preference to projects for completion of interstate systems.....	516
Project statements, approval by Secretary of Agriculture.....	499, 521
Submission by States.....	499, 521
Setting aside shares of Federal aid to States.....	499, 521
State funds required to be provided as condition precedent to approval of projects.....	517
Supplementary maps of program of construction and progress made.....	525
Surface and materials to be used for construction and reconstruction.....	518
Surveys, etc., submission by States and approval by Secretary of Agriculture.....	499, 521
Tolls not to be allowed.....	494, 519
Width of highways of primary or interstate systems.....	519
Public lands or reservations necessary for rights of way or source of materials, appropriation and transfer to States.....	527
Reversion.....	527
Recommendations by Secretary of Agriculture to Congress.....	528
Regulations by Secretary of Agriculture for carrying out provisions.....	502, 528
Repeal of inconsistent laws.....	535, 535e
Reports by Secretary of Agriculture to Congress.....	529
Rights of way, consent of United States to conveyance to States by railroad or canal companies of parts of rights of way or property for.....	526
Supplies, etc., of Council of National Defense for highways and highway transport transferred to Secretary of Agriculture.....	513
Supplies, etc., transfer by Secretary of War to Secretary of Agriculture.....	504, 506-510, 515
Tolls prohibited.....	494, 519
Tractors, transfer by Secretary of War to Secretary of Agriculture.....	510a
War material, equipment, and supplies, transfer by Secretary of War to Secretary of Agriculture for improvement of highways.....	504, 506-510, 515
Work on by officers or enlisted men of Army, Navy, or Marine Corps, consent.....	505
Equalization of pay.....	505

Hogs

(See *Animals and Animal Industry; Meat Inspection*)

HOLIDAYS

District of Columbia.....	958
Leave of absence to clerks and employees exclusive of.....	947
Per diem employees at Washington.....	959, 960

HOMESTEADS

Entry, lands withdrawn for public purposes, prior entries excepted.....	749
National Forests.....	725-734
Agricultural lands in.....	725-732
Additional homestead right to former settlers, price.....	726

HOMESTEADS—Continued

Entry—Continued

National Forests—Continued

	Section.
Black Hills Forest Reserve.....	727, 730
Certain counties in California excepted from.....	725, 729
Commutation provisions not applicable.....	725
Examination and ascertainment by Secretary of Agriculture.....	725
Future settlements not to be made until lands opened.....	728
Land not to pass from forest until patent issues.....	731
Lists and descriptions.....	725
Open to entry.....	725
Plats and field notes.....	725, 732
Preference rights of former settlers.....	725
Rights not affected by lease of lands for homes, hotels, stores, etc.....	562
Rights of former settlers not impaired.....	728
Selection, classification, and segregation.....	732
Surveys.....	725, 732
Preference rights of contestants prior to withdrawal for national forest purposes.....	734
Reinstatement of entries canceled or relinquished.....	733
Selection, classification, and segregation of lands by Secretary of Agriculture.....	732
Yellowstone Forest Reserve.....	736
Lands acquired for protection of watersheds, sale.....	633
Lands of United States containing oil and gas, preference right of agricultural entrymen on discovery.....	787
National Forests.....	725-739
Forest ranger stations on fields of homestead settlers, use of appropriations for prohibited.....	739

HONEYBEES

(See *Bees*)

HORSES

Reimbursement of owners for horses damaged or destroyed while fire-fighting, trail-making, etc.....	575
---	-----

HORSES AND CARRIAGES

(See *Vehicles*)

Restrictions on expenses.....	1023, 1024
-------------------------------	------------

HOTELS

National Forests, lease of lands for.....	560, 561
Use and occupancy of lands for.....	562

HOURS OF LABOR

Clerks and employees.....	945
Government contracts, all classes of contract work included.....	1368
Appeal to heads of departments.....	1367
Contracts excepted.....	1368
Deduction of penalties.....	1367
Penalties not to be imposed in extraordinary events or emergencies.....	1368
Provision in, for eight-hour day.....	1367
Reporting violations.....	1367
Right of action in Court of Claims.....	1367
Stipulation in, for penalty.....	1367
Waiver in time of war.....	1368
Public works.....	1365-1367
Existing contracts not affected.....	1366a
Limited to eight hours each day.....	1365
Requiring or permitting more than eight hours' work except in extraordinary emergencies, unlawful.....	1365
Violations, punishment.....	1366

HOUSE OF REPRESENTATIVES

(See *Congress*)

HUNTING

Areas in Grand Canyon Forest Reserve set aside for protection of game animals.....	586
Areas in Wichita Forest Reserve set aside for protection of game.....	584
Custer State Park Game Sanctuary.....	591

HUNTING—Continued.

Game in Alaska	Section 484-492
Lands set apart as refugees or breeding grounds for birds or animals	456-458, p. 723
Migratory birds	472
Migratory game and insectivorous birds during closed seasons	470(2)

ICE

Purchase of, for departments	1338
------------------------------	------

IDAHO

National forests, creation of or addition to except by act of Congress prohibited	550
Timber, cutting for certain purposes on public lands	616
Cutting for certain purposes on public mineral lands	614
Cutting for certain purposes in Wyoming and removal to Idaho	617

IDAHO NATIONAL FOREST

Certain lands added to	680
------------------------	-----

ILLUSTRATIONS

Documents and reports, exclusion when unnecessary	1412
Printed at same time	1421
Restrictions on use of appropriations for printing and binding for	1413

IMPORTATION

Bees	262a, 262b
Birds and animals, except under permit, prohibited	465
Injurious to agriculture or horticulture, prohibited	465
Birds or nests or eggs taken, etc., contrary to laws of Canada, prohibited	474
Cattle, animals for breeding purposes, requirements for free admission	203
Diseased, etc., prohibited	188
Except at quarantine ports, prohibited	190
Inspection of imported animals	192
Prohibited, exceptions	195
Quarantine of imported animals	189
Suspension	191
Tick-infested cattle	193, p. 721
Eggs of game birds prohibited	454
For propagation, regulations	453, 454
Feathers, plumes, etc., of wild birds, prohibited	455
Food, adulterated, suspension	263
Food and drugs, adulterated or misbranded, destruction	276
Prohibited	267
Refusal of admission	276
Charges for storage, etc.	276
Delivery to consignee on bond	276
Samples for examination	276
Grain seed, adulterated or unfit for seeding purposes	222-227
Insects injurious to crops, prohibited	246
Insecticides and fungicides, adulterated or misbranded, destruction	260
Prohibited	251
Refusal of admission	260
Charges for storage, etc.	260
Delivery to consignee on bond	260
Samples for examination	260
Meats, Meat Inspection Act and Food and Drugs Act applicable to, after entry	217
Prohibited unless healthful, wholesome, and fit for human food	217
Nursery stock	229-240, 242
Plants, etc.	229-240, 242
By Agricultural Department, exempt from duty	70
For experimental or scientific purposes	229, 242
Seed, adulterated or unfit for seeding purposes	222-227
By Agricultural Department, exempt from duty	70
For experimental or scientific purposes	242
Tea	281-290
Viruses, serums, etc., for domestic animals	221

	Section.
INAUGURATION DAY	
Holiday in District of Columbia	958
INCOME TAX	
Deduction from amounts due from United States to nonresident aliens	p. 740
Returns to Commissioner of Internal Revenue in regard to payments made by United States	115, p. 739
INDEXES	
Card indexes of publications of Agricultural Department and of other agricultural literature, sale of copies	60-62
Comprehensive index of public documents, publication by Superintendent of Documents	1439
INSECTICIDE ACT	
Text	250-262
INSECTICIDES AND FUNGICIDES	
Adulterated, definition	256
Adulterated or misbranded, articles intended for export	251
Certification of violations to district attorneys	253
Condemnation	259
Delivery to owner on bond	259
Destruction or sale	259
Imported, refusal of admission	260
Interstate or foreign commerce in, prohibited	251
Judgment of court, notice by publication	253
Jury trial	259
Libel proceedings	259
Manufacture in Territories or District of Columbia, prohibited	250
Notice of	253
Opportunity for hearing	253
Proceedings for seizure and condemnation	259
Prosecutions by district attorneys	254
Seizure	259
Adulteration, lead arsenate	256
Insecticides and fungicides other than Paris green and lead arsenate	256
Paris green	256
District attorneys, adulteration or misbranding certified to	253
Prosecutions by	254
Examinations of specimens	253, 260
Fungicides, adulteration	258
Defined	255
Misbranding	257
Guaranty by wholesaler, jobber, etc., as protection to dealer	258
Importation, charges for storage, etc.	260
Delivery to consignee on bond	260
Refusal of admission of adulterated or misbranded	260
Samples delivered by Secretary of Treasury to Secretary of Agriculture	260
Insecticides, adulteration	256
Defined	255
Misbranding	257
Lead arsenate, adulteration	256
Defined	255
Misbranding	257
Liability of corporation, etc., for act of officers, etc.	261
Misbranded, definition	257
Misbranding, lead arsenate	257
Insecticides and fungicides other than Paris green and lead arsenate	257
Paris green	257
Paris green, adulteration	256
Defined	255
Misbranding	257
"Person" defined	261
Regulations for carrying out act	252
Specimens, examinations	253, 260
"Territory" defined	261
Title of act	262

INSECT PESTS

(See *Plants*)

INSPECTION

Section.

(See *Animals and Animal Industry; Examinations; Meat Inspection*)

Cattle, etc.	178, 183, 187, 192, 212 (10-12)
Cotton as to classification	290gg
Dairy products for export	218
Food products for export	279
Fuel in District of Columbia	1346-1349
Grain as to grade	294-297
Meats and meat food products	204-217
Nursery stock	229-242
Plants, etc.	229-245
Renovated butter	219, 220
Vessels used for export cattle	201, 202
Viruses, serums, etc., for domestic animals	231 (3, 6, 7)

INSPECTORS

Cattle for export, appointment	187, 212 (11, 19)
Certificates of inspection	178, 187, 212 (11, 12, 16)
Cattle for importation, appointment	189
Cattle for interstate transportation, certificates of inspection	178
Cattle for slaughter, appointment	205, 212 (1, 14, 19)
Certificates of inspection	209, 212 (14-16)
Fuel in District of Columbia, appointment	1346
Certificates of inspection	1346, 1347
Duties	1346
Grain Standards Act, bribery	299
Duties	297
Falsely grading grain	299
Licensing	297
Meat inspection, appointment	205, 212 (1, 2, 4, 11, 14, 19)
Authority	212 (4)
Bribery	212 (20)
Certificates	204, 205, 209, 212 (11, 12, 14-16)
Duties	212 (2, 4-7, 10, 11, 13, 14, 16, 19)
Payment for overtime work	216
Removal from slaughtering, etc., establishments	202 (2, 4)
Statement in estimates	212 (22)

INTERSTATE COMMERCE

Apples and apple barrels	309-314
Birds, etc., illegally taken, etc.	474
Containers for fruits and vegetables	303-308
Cotton Standards Act	290aa-290mm
Food and drugs	264-278a
Game	466-469
Grain Futures Act	401-412
Grain Standards Act	291-302
Insecticides and fungicides	250-262
Insects injurious to crops	246-249
Livestock	172-176, 178-180, 181-186, 196-200
Meat and meat products	206-217
Nursery stock	229-241
Packers and Stockyards Act	348-378
Plants, etc.	229-241
Renovated butter	219, 220
Viruses, serums, etc., for domestic animals	221
Warehouse Act	315-347
Wild animals or birds	466-469

INVESTIGATIONS

Agricultural Department, reports to Congress	143, 144
Frauds, etc., against United States, administration of oaths	1085

INVENTORIES

Property, departments	43
-----------------------	----

INYO NATIONAL FOREST

Grant of rights of way to Los Angeles, Calif., for water power and electric plants	864-871
--	---------

JOINT COMMITTEE ON PRINTING

Section.

Approval by, abolishment of Weather Bureau printing office-----	1407
Index of public documents-----	1439
Requisition of printing and binding equipment and supplies from Government officers-----	1408
Congressional Directory, prepared and distributed under-----	1450
Continuation of publications issued without authority of Congress--	1415
Neglect, delay, duplication, or waste in printing and binding and distribution of documents, remedied by-----	1415
Printing for departments outside of District of Columbia-----	1415
Style of binding of documents and reports as directed by-----	111

JURY DUTY

Government officers in District of Columbia exempt from-----	1116
--	------

JUSTICE, DEPARTMENT OF

(See *Attorney General*)

Attorneys or counsel, provided for departments-----	989
Officers, duties in suits in which United States or officer thereof is interested-----	923
Opinions given and services rendered to departments, etc.-----	923

KANSAS NATIONAL FOREST

Exchange of lands of for privately owned lands within-----	695
--	-----

LABELS AND LABELING

(See *Food and Drugs; Insecticides and Fungicides; Marks and Marking; Meat Inspection*)

Apple barrels-----	311-313
Dairy products for exportation-----	218
Meats and meat products inspected-----	207, 212
Renovated butter-----	219

LABORATORY EQUIPMENT

Agricultural Department, exchange of-----	58
---	----

LABOR DAY

Holiday in District of Columbia-----	958
--------------------------------------	-----

LABORERS

(See *Employees*)

Agricultural Department, transfer to classified service-----	16
Promotion without examination-----	17
Authority to employ-----	984
Civil-service classification not required-----	931
Employment beyond provisions of law prohibited-----	987
Employment only as specifically appropriated for-----	985
Punishment for violation-----	986
Public works, hours of labor-----	1365-1368
Salaries-----	982

LACEY ACT

Text-----	82, 465-469
-----------	-------------

LAND

(See *Buildings and Grounds; National Forests; Public Lands*)

Acquisition by Secretary of Agriculture of sites of plant propagating stations in California, Washington, Florida, and Georgia-----	53
Acquisition by Secretary of Agriculture of sites of experimental vine- yards in California-----	54
Arlington estate in Virginia, portion set aside for experimental farm for Agricultural Department-----	45-49
Certain lands in Oklahoma set aside for use by Agricultural Depart- ment for dry-farming station-----	50
Disposal of real property acquired for war storage purposes and no longer needed by departments-----	1334
Exchange with State of South Dakota of public lands for State- owned lands for use of Agricultural Department for experiments in dry-land agriculture-----	51
Potomac Park in District of Columbia, use of areas of by Agri- cultural Department-----	44
Purchase without authority of law prohibed-----	1371
Transfer from any department to Navy Department of land for Navy radio stations-----	1335
Transfer of land in Forest Grove, Oreg., for use of Bureau of Ento- mology of Agricultural Department-----	52

LANTERN SLIDES	Section.
Agricultural Department, sale of	63-64
LARCENY	
(See <i>Embezzlement; Robbery</i>)	
Books, pamphlets, documents, etc.	1458
Money, property, etc.	1277
Receiving stolen money, property, etc.	1278
LASSEN NATIONAL FOREST	
Certain lands added to	p. 735
LAW CLERKS	
Agricultural Department, detail for service in or out of Washington	24
LEAD ARSENATE	
(See <i>Insecticides and Fungicides</i>)	
LEASES	
(See <i>Rent</i>)	
Coal lands and deposits	767-774, 793-805
Gas lands and deposits	767, 779, 789, 793-805
National forest lands for homes, sanitariums, hotels, etc.	560-562
Oil and gas lands and deposits in Alaska	789
Oil lands and deposits	767, 779-789, 793-805
Oil shale lands and deposits	767, 788, 793-805
Phosphate lands and deposits	767, 772, 775-778, 793-805
Potassium lands	755-766
Real property acquired for Army storage purposes	1334
Sodium lands and deposits	767, 790-805
Storage accommodations for departments in District of Columbia	1360
Washington Market Co. buildings and grounds	89, 95
LEAVE OF ABSENCE	
Agricultural Department employees	25-28
In Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands	27, 28
Outside of Washington	25
Department clerks and employees	945-947
Employees, compensation to injured employees in case of	1040
Forest Service employees in Alaska	26
Officers and employees, members of National Guard	949-951
Members of Officers Reserve Corps	952
LEMHI NATIONAL FOREST	
Addition of certain lands to	693
LEWIS AND CLARK NATIONAL FOREST	
Relocation of right of way to Great Northern Railway Co. and establishment as boundary between forest and Glacier National Park	827
LIBEL	
Adulterated or misbranded food or drugs	275
Adulterated or misbranded insecticides or fungicides	259
LIBRARIAN	
Agricultural Department, salary	8
LIBRARIES	
Agricultural Department, card index of publications of department and agricultural literature, sale of	60
Custody of	41
Detail of employees from and to	22
Exchange of books and periodicals of	59
Congressional Library, books, maps, etc., not needed by departments to be transferred to	1443
Copies of department, etc., publications for	1437
Privilege to heads of departments of drawing books from	1121
Departments, depositories of Government publications	1445
Style of binding of books for	1410
Free Public Library of District of Columbia, books not required by departments, etc., to be transferred to	1444
LICENSES	
Cotton standards inspectors	290cc
Establishments for preparation of viruses, serums, etc., for domestic animals	221 (4, 6)
Grain standards inspectors	297
Hunting in Alaska	488
Warehouses for storage or agricultural products	315-347

LINCOLN NATIONAL FOREST	Section.
Grant of right of way to El Paso and Rock Island Railway Co. for water supply	828-835
LIQUORS	
Adulterated or misbranded, seizure and condemnation	275
LISTS	
Agricultural lands in national forests for homestead entry	725
Officers, etc., for Official Register	1452, 1453
LIVESTOCK	
(See <i>Animals and Animal Industry; Meat Inspection</i>)	
LOS ANGELES, CALIF.	
Rights of way in Inyo, Santa Barbara, Angeles, and Sequoia National Forests for water supply and power and electric plants	864-871
LOST CHECKS	
Duplicates for	1257-1259
LOUISIANA	
Clearance from ports in of vessels laden with live-oak timber	610
LUMP FUNDS	
(See <i>Appropriations</i>)	
MADISON NATIONAL FOREST	
Sale of certain lands to Oregon Short Line Railroad Co. for hotel purposes	563
MAILS	
Franks and free transmission, annual reports of agricultural colleges	417
Bulletins and reports of agricultural experiment stations	434
Correspondence, bulletins, and reports for the furtherance of co-operative agricultural extension work between agricultural colleges and Agricultural Department	430
Fraudulent use of official envelopes, etc., punishment	1480
Lending or permitting use, unlawful	1479
Mailing seeds by Agricultural Department	76-78
Official letters, packages, etc., indorsement	1467-1469
Registering	1469
Penalty envelopes, inclosing for answers, etc	1469, 1470
Privileges extended to Hawaiian Islands	1471
Seeds and reports of Agricultural Department	77
Mailing contracts, etc., for sale of grain for future delivery	404
Mailing insects injurious to crops	247, 248
Mailing matter relating to ethyl alcohol for government use	1481
Mailing plants, etc., without marking contents	244
Matter admitted under penalty privilege, restrictions	1472-1478
MALHEUR NATIONAL FOREST	
Exchange of land or timber of national forests in Oregon for privately owned lands within Malheur National Forest	724b
MANTOU, COLO.	
Certain lands in Pike National Forest set aside for water-supply reserve for	879, 883
MAPS	
Destruction, etc., public records	1459
Custodian destroying, etc	1460
Documents and reports, accompanying maps to be printed at same time	1421
Exclusion when unnecessary	1412
Forest maps, sale	63
Geological Survey maps, free distribution among departments	1456
Highways and forest roads selected for construction by Federal aid, publication	525
National forests, certification and filing	539a
Public lands and reservations necessary for rights of way or sources of materials for construction, etc., of highways or forest roads, filing	527
Rights of way through public lands and reservations for canals, etc., filing	837
Rights of way through public lands to railroads, filing	809
Weather Bureau, printing, number of copies	118
Printing, restriction not applicable	157a
Sale of surplus	159

MARINE CORPS	Section.
(See <i>Military and Naval Service</i>)	
Retired officers and enlisted men excepted from limitation on double salary	1007
Retired officers and enlisted men holding other lucrative office	1108, p. 738
MARINES	
(See <i>Military and Naval Service</i>)	
MARKS AND MARKING	
(See <i>Labels and Labeling</i>)	
Apple barrels	311-313
Dairy products for exportation	218
Imported nursery stock	231
For interstate shipment	232
Meat and meat products inspected	207, 212
Packages containing dead bodies, etc., of game animals or birds in interstate or foreign commerce	467
Packages containing plants, etc., deposited in mails	244
Renovated butter	219
Salted pork and bacon for export	204
MATERIALS	
(See <i>Supplies</i>)	
Printing and binding, transfer to Government Printing Office	1408
Proceeds of sales, statement of	1171, 1172
Public lands, use by telegraph companies	846
Purchase by one department, etc., from another, requisition of funds	1299
War material, etc., departments to purchase from other Government services	1357
Office material, etc., executive order relating to disposition of	1303, p. 740
Heads of departments to cooperate with Secretary of Treasury in storage and delivery of	1303, p. 740
Sale of through heads of departments	1302
Transfer by Secretary of War to Agricultural Department for improvement of highways	504, 506-509, 515
MEAT	
(See <i>Meat Inspection</i>)	
Imported, admission prohibited unless fit for food	217
Subject to Meat Inspection Act and Food and Drugs Act	217
Wrapped, misbranding as to weight	278
MEAT INSPECTION	
Appropriation, permanent	213
Reimbursement for cost of inspection of meat and meat-food products for Navy Department	216a
Bacon for export	204
Certificate of condition	204
Carcasses, etc., of cattle, etc., at slaughtering, etc., establishments	206, 207, 212(2, 3)
Certificate of condition	209
Marking, labeling, etc.	207, 212(2)
Reinspection	212(2)
Carcasses, etc., of cattle, etc., brought into slaughtering, packing, etc., establishments	210, 212(3)
Carcasses, etc., of cattle, etc., meat of which is intended for export	212(13)
Certificate of condition	212(14, 15)
Clearance to vessels	212(15)
Waiver of certificate	212(15)
Inspectors, appointment, certificate of condition	212(14)
Carcasses of diseased animals	212(1)
Cattle, etc., before slaughter at slaughtering, etc., establishments	206, 212(1, 2)
Cattle, etc., intended for export	187, 212(10)
Certificate of condition	187, 212(11, 12)
Clearance of vessels	187, 212(12)
Waiver of certificate	212(12)
Inspectors, appointment, certificates of condition	187, 212(11)

MEAT INSPECTION—Continued		Section.
Cattle, meat of which is intended for export	205	
Certificate of condition	205	
Clearance of vessels	205	
Inspectors, appointment, certificate of condition	205	
Cattle slaughtered during nighttime	212(7)	
Certificates of inspection, carcasses, etc., of cattle, etc., meat of which is intended for export	212(14)	
Cattle intended for export	187, 212(11)	
Cattle, etc., meat of which is intended for export	205, 212(14)	
Cattle, etc., or their carcasses and products intended for interstate or foreign commerce	209, 212(16)	
Filing and delivery	204, 209, 212(16)	
Forging, etc.	204, 207, 212(9)	
Salted pork and bacon for export	204	
Clearance of vessels having cattle, etc., on board not to be granted without certificate of inspection	187, 212(12)	
Waiver of certificate	212(12)	
Clearance of vessels having meat on board not to be granted without certificate of inspection of cattle and meat	205, 212(15)	
Waiver of certificate	212(15)	
Destruction for food purposes carcasses, etc., condemned	212(2)	
Condemned products	212(4)	
Diseased animals slaughtered separately	212(1)	
Employees, payment for overtime work	216	
Statement of in estimates	212(22)	
Horse meat, provisions of act applicable to	215	
Marking	215	
Transportation prohibited unless labeled, etc.	215	
Imported meats, admission prohibited unless fit for food	217	
Regulations	217	
Subject to inspection after entry	217	
Inspectors, appointment	205, 212 (1, 2, 4, 11, 14, 19)	
Authority	212(4)	
Bribery	213(20)	
Certificates	204, 205, 209, 212(11, 14, 16)	
Destruction for food purposes of condemned products	212(4)	
Duties	212(19)	
Marks, etc., of inspection	212(2, 4)	
Reinspection of carcasses, etc.	212(2)	
Removal from establishments	212(2, 4)	
Statement of in estimates	212(22)	
Supervision of canning, etc.	212(5)	
Marking, labeling, etc.	207, 212(2, 4, 5)	
Forging, etc.	204, 207, 212(9)	
Horse meat	215	
Receptacles or covering of products inspected and passed	212(5)	
Meat food products	212(4)	
Destruction for food purposes of condemned	212(4)	
Issued from and returned to slaughtering, etc., establishments	212(3)	
Marking, labeling, etc.	212(4)	
Nighttime as well as during daytime	212(7)	
Preservatives in meats and meat food products	212(4, 19), 217	
Provisions applicable to horse meat	213	
Provisions applicable to imported meats after entry	217	
Provisions extended to reindeer	214	
Provisions not applicable to farmers, retailers, etc.	210, 212(21)	
Inspection notwithstanding exception	212(21)	
Punishment for violations	204, 207, 208, 211, 212(18, 20, 21)	
Regulations by Secretary of Agriculture	211, 212(19), 217	
Reindeer, provisions of act extended to	214	
Reinspection of carcasses, etc.	212(2)	
Rejection of meat or meat food products unfit for food from insantary conditions	212(6)	
Salted pork and bacon for export	204	
Certificate of condition	204	
Sale or transportation of meat or meat food products under false names prohibited	215(5)	

MEAT INSPECTION—Continued	Section.
Sale or transportation of meat or meat food products unfit for food, punishment	212(21)
Salted pork and bacon for export	204
Sanitary inspection and regulation of slaughtering, etc., establishments	212(6)
Trade names to be used for meats and meat food products	212(5)
Transportation in interstate commerce of unsound or diseased carcasses or food products, punishment	208
Transportation in interstate or foreign commerce, carcasses, meat, or meat food products not inspected and marked, prohibited	212(8)
Condemned carcasses, regulations to prevent	211
Horse meat, marking	215
Transportation or sale in interstate commerce of meat or meat food products without complying with act prohibited	212(17)
MEAT INSPECTION ACT	
Text	212
MECHANICS	
(See <i>Employees, Laborers</i>)	
Employment only as specifically appropriated for	985, 986
Public works, hours of labor	1365-1368
MEDICAL RESERVE CORPS	
(See <i>Military and Naval Service</i>)	
MEDICINE BOW NATIONAL FOREST	
Addition of certain lands to	p. 730
Game refuge in	pp. 730, 731
MEMBERS OF CONGRESS	
(See <i>Congress</i>)	
MEMORIAL DAY	
Holiday in District of Columbia	958
Per diem employees	960
MESSENGERS	
(See <i>Employees</i>)	
Authority to employ	984
Employment beyond provision of law prohibited	987
Employment only as specifically appropriated for	985
Punishment for violation	986
Salaries	982
METEOROLOGICAL INSTRUMENTS	
Issue to volunteer observers	156
MICHIGAN	
Exchange of lands for State-owned lands for a national forest	666-668
MICROSCOPICAL SPECIMENS	
Sale of samples by Agricultural Department	68
MICROSCOPIST	
Agricultural Department, salary	8
MIGRATORY BIRDS	
(See <i>Birds</i>)	
MIGRATORY BIRD TREATY ACT	
(See <i>Birds</i>)	
Text	471-483
MILEAGE	
Agricultural Department, allowance for motor cycles and automobiles	33a, p. 715
Purchase of mileage and mileage books for employees	30
MILITARY AND NAVAL SERVICE	
Army, officers and enlisted men, detail to work on rural post roads, consent, equalization of pay	505
Retired officers and enlisted men excepted from limitation on double salary	1007
Retired officers and enlisted men holding other lucrative office	1108, p. 738
Enlisted Reserve Corps, utilization of members and employees of departments for keeping in touch with and mobilizing	1125
Honorably discharged persons, preference for appointments to civil office	925
Preference in making reductions of force in departments	965

MILITARY AND NAVAL SERVICE—Continued		Section.
Marine Corps, officers and enlisted men, detail to work on rural post roads, consent, equalization of pay	-----	505
Retired officers or enlisted men excepted from limitation on double salary	-----	1007
Retired officers and enlisted men holding other lucrative office	-----	1008, p. 738
Marines, preference to honorably discharged, in appointments to clerical and other positions	-----	937
Preference to honorably discharged, in labor of constructing national forest roads and trails	-----	573a
Preference to honorably discharged, in labor of constructing rural post roads	-----	503
Medical Reserve Corps, officers and enlisted men who are Government employees, restoration to positions at expiration of military service	-----	954
Militia duty, Government officers exempt from	-----	1117
National Guard, Government officers and employees who are members of, leave of absence to, on days of ordered or authorized service	-----	949-951
Officers and enlisted men who are Government employees, restoration to positions at expiration of military service	-----	954
Naval Militia, officers and enlisted men excepted from limitation on double salaries	-----	1007
Naval Reserve Force, members of, not prevented from accepting civil employment or pay	-----	1009
Navy, officers and enlisted men, detail to work on rural post roads, consent, equalization of pay	-----	505
Retired officers and enlisted men excepted from limitation on double salary	-----	1007
Retired officers and enlisted men holding other lucrative office	-----	1008, p. 738
Officers Reserve Corps, Government officers and employees who are members of, leave of absence to while on ordered duty	-----	952
Members of, who are in Government employ, restoration to positions when relieved from duty	-----	955
Organized Militia, officers and enlisted men excepted from limitation on double salaries	-----	1007
Preference to honorably discharged persons and their widows and orphans in making reductions of forces in departments	-----	965
Preference to honorably discharged persons for appointments to civil offices	-----	925
Regular Army Reserve, utilization of members and employees of departments for keeping in touch with and mobilizing	-----	1125
Sailors, preference to honorably discharged in appointments to clerical and other positions	-----	937
Preference to honorably discharged in labor of constructing national forest roads and trails	-----	573a
Preference to honorably discharged in labor of constructing rural post roads	-----	503
Soldiers, preference to honorably discharged in appointments to clerical and other positions	-----	937
Preference to honorably discharged in labor of constructing national forest roads and trails	-----	573a
Preference to honorably discharged in labor of constructing rural post roads	-----	503
War with Germany, reinstatement of Government employees who entered	-----	956, 957
MILITIA		
(See <i>Military and Naval Service</i>)		
MINAM NATIONAL FOREST		
Certain lands added to	-----	675
MINERAL LANDS AND MINERALS		
Building stone lands, entry under placer mining laws	-----	741
Cutting timber on mineral lands for mining purposes	-----	612, 614, 616
Lands containing coal, phosphate, oil, oil shale, gas, and sodium, lease of	-----	767-805

MINERAL LANDS AND MINERALS—Continued	Section.
Lands withdrawn for public purposes, exploration, discovery, occupation, and purchase under mining laws applicable to metalliferous minerals	749
Lands withdrawn or classified as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals, entry under nonmineral mining laws	750-752
Mineral lands in national forests, entry under mining laws	548
Mineral resources of lands acquired for protection of watersheds, prospecting, development, and utilization	641
Mineral resources of national forests, prospecting, locating, and developing	544
Mining laws extended to certain undisposed-of lands in Bitter Root Valley in Montana	744
Oil lands, entry under placer mining laws	745
Oil or gas lands, patents	746, 747
Phosphate rock lands, validation of locations under placer mining laws	753
Potassium, prospecting permits for and lease of lands containing	754-756
Saline lands, entry under placer mining laws	743
MINIDOKA NATIONAL FOREST	
Addition of certain lands to	693a
MINNESOTA	
Forestry lands in ceded Chippewa Indian reservations	653-664
National forest in	656-664
MISBRANDING	
Apple barrels	313
Food, place of production, etc	264, 265
Food and drugs	266-277
Insecticides and fungicides	250-262
Seeds, tests for	228
MISSISSIPPI	
Clearance from ports in, of vessels laden with liveoak timber	610
MISSOULA NATIONAL FOREST	
Certain lands added to	686
MODOC NATIONAL FOREST	
Inclusion of certain lands in	688
MONEY	
(See <i>Accounts and Accounting; Appropriations</i>)	
Accounts	1235-1237
Distinct accounts of disbursements by appropriations	1237
Failure of officer to render	1283
Time of rendering	1335, 1336
Advances, appropriations for Agricultural Department	134
Appropriations for Forest Service for fighting forest fires	135
Prohibited, exceptions	1260
Subscriptions, periodicals for departments	1261
Publications for Agricultural Department	133
Agricultural Department, account of receipts and expenditures in annual report of Secretary	110
Annual report by Secretary of expenditures	138
Secretary to superintend expenditure and render accounts	130
Appointees to fill vacancies, payment of salaries restricted	920
Arms and ammunition furnished by War Department to other departments for protection of	1300
Buildings, no expenditure before affidavit of disinterest by commissioners selecting site	1310
No expenditure before approval of plans and estimates	1364
Building sites, no expenditure before Attorney General's opinion on title or until consent of State to purchase	1311
Carriages, expenditures restricted	1023, 1024
Commissions, councils, boards, etc., payment compensation and expenses restricted	1180
Commissions or inquiries, payment of charges connected with, prohibited	1179
Custodians, duties	1255
Entry or receipts and payments	1256

MONEY—Continued

Custodians—Continued		Section.
Expenses	1264, 1265	
Failing to deposit	1284, 1285	
Failing to keep safe, etc.	1282, 1285	
Failing to render accounts	1283, 1285	
Making false report of	1280	
Refusing to pay, transfer, or disburse	1287	
Unlawfully using	1255, 1262, 1281, 1282, 1285	
Deposit in Treasury, deposit without deduction	1228, 1232	
Deposits received from purchasers of national forest timber	553	
Duty of disbursing officers	1233	
Entry	1256	
Failure to deposit	1238, 1284, 1285	
Fees collected in appeals from inspection under Grain Standards Act	296	
Fees collected for inspection and licenses under Warehouse Act	324	
Funds arising from renting or leasing spaces in national forests	561	
Payment to Treasurer, assistant treasurers, designated depositaries	1226, 1227, 1234	
Neglect or refusal to deposit, proceedings	1238	
Proceeds from costs collected for cotton classification and cotton standard forms under Cotton Futures Act	396	
Proceeds from hunting licenses in Alaska	488	
Proceeds from sale or lease of real property acquired for army storage purposes	1334	
Proceeds from sales, condemned articles of food or drugs	275	
Condemned insecticides or fungicides	259	
Old material, etc.	1230, 1231	
Receipts, contributions toward cooperative work in forest investigations	570	
Forest service for timber or other source of national forest revenue	568	
Hunting, etc., permits on lands acquired for protection of watersheds	642	
Mineral resources of lands acquired for protection of watersheds	641	
Rentals or sales of copies of films, Agricultural Department	65	
Sale of products or use of land and resources of national forests	565, 566	
Transmission of private dispatches over Government telegraph lines	1229	
Receipts for deposits	1234	
Receipts from sales, animals and animal products, Agricultural Department	164, 165	
Copies of card indexes of agricultural literature, Agricultural Department	61, 62	
Pathological or zoological specimens Agricultural Department	166	
Photographic prints, etc., Agricultural Department	64	
Products of agricultural experiment stations in Alaska, Hawai, Porto Rico, Guam, and Virgin Islands	66	
Samples of pure sugars, naval stores, microscopical specimens, etc., Agricultural Department	68	
Surplus maps or publications of Weather Bureau	159	
Receiving unauthorized deposits	1289	
Disbursing officers' accounts unchanged for three years, amounts covered into Treasury	1223	
Reports of	1224	
Disbursing officers' checks outstanding for three years	1224	
Reports of	1224, 1225	
Disbursements, buildings or grounds outside of Washington, extra compensation	1268	
Construction of buildings, limit on, extra compensation	1266, 1267, 1267a	
Bonds of special agents	977	
Entry	1256	

MONEY—Continued

Disbursements—Continued		Section.
Expenses.....	1264, 1265	
Extra allowance for officers having fixed salaries prohibited.....	1012	
Sites for buildings, commissions prohibited.....	1267a	
Distress warrant against delinquent officers.....	1239-1254	
Distribution of publications by departments, etc., money not to be used for.....	1434	
Double salaries, prohibition of use for.....	1007	
Duplicates for lost, etc., disbursing officers' checks.....	1257-1259	
Duties of custodians.....	1255	
Embezzlement.....	1277, 1279, 1281-1287, 1289, 1290	
Exchange restricted.....	1262	
Expenses of collection, safe-keeping, transferring, and disbursing.....	1264, 1265	
Expenses of fiscal agents.....	1264, 1265	
Experts inaugurating new methods of business, use for compensation restricted.....	992	
Extra compensation, etc., prohibited.....	1011-1015	
Failure to deposit.....	1284, 1285	
Failure to make return or report as required.....	1291	
Failure to render accounts for.....	1283, 1285	
False report of moneys by officer, etc.....	1280	
Funds of department for which materials or services are furnished by another department, subject to requisition.....	1299	
Horses and carriages for use of officers, expenses restricted.....	1023	
Lapsed salaries covered into Treasury.....	985	
Membership fees, etc., of officers and employees in societies, etc., expenditure for prohibited.....	1026	
National forests, deposits received from timber purchasers covered into Treasury.....	553	
Funds arising from renting or leasing space in, covered into Treasury.....	561	
Moneys received from, expenditure of percentage for roads and trails.....	572	
Payment of percentage to States for schools and roads....	571, 636	
Moneys received from sale of products or use of lands or resources, expenditure.....	565, 566	
Moneys received on account of, covered into Treasury.....	568	
Neglect or refusal to deposit, proceedings.....	1238	
Neglect or refusal to make return or report as required.....	1291	
Newspapers for departments, limitation of expenditure for.....	1185	
Outstanding liabilities of three or more years, amounts covered into Treasury.....	1220, 1221	
Drafts or checks, payment.....	1222	
Permanent appropriation for payment.....	1221	
Sufficient voucher for warrants.....	1221	
Payment by disbursing officers in settlement of transactions between War Department and other departments.....	1292-1298	
Persons in arrears, payment of compensation to prohibited.....	1030	
Premiums on, to be accounted for.....	1263	
Proceeds of sales of public property, deduction of costs.....	1231	
Deposit in Treasury.....	1230	
Statements of.....	1171-1173	
Publicity experts, use for compensation prohibited.....	992	
Receiving without paying in authorized funds or in full amount.....	1288	
Receiving unauthorized deposits.....	1289	
Receiving, etc., embezzled or stolen money.....	1278	
Requiring receipts for larger sums than paid.....	1279	
Secretaries of retired officials, compensation prohibited.....	1028	
Stealing.....	1277	
Telephone service in private residences, use of money for restricted.....	1187	
Trading in public funds.....	1292	
Transfer, entry.....	1256	
Expenses.....	1264, 1265	
Transportation of Government property over land-grant railroads, payment for.....	1308	

MONEY—Continued	Section.
Transportation of remains of deceased employees, expenditure for prohibited.....	1027
Traveling expenses, allowances.....	1017-1020
Reports of.....	1134
Unauthorized offices, payment of salary prohibited.....	988
Unlawfully using, depositing, etc.....	1255, 1262, 1281, 1282
Vehicles, restrictions on expenditures.....	1023-1025
MONTANA	
Butte, lands in Deer Lodge National Forest for municipal park.....	910a
National Bison Range.....	460, 461
National forests within, creation and addition by act of Congress.....	550
Exchange of timber from for privately or State-owned lands within Glacier National Park.....	711-713
Timber on mineral lands, cutting for certain purposes.....	614
Timber on public timber lands, cutting for certain purposes.....	616
Limitation of use not applicable to certain lands.....	618
MONTEZUMA NATIONAL FOREST	
Exchange of land or timber with'n for privately owned lands within.....	722
MORRILL ACTS	
(See <i>Agricultural Colleges</i>)	
Text.....	414-420
MOTHERS' DAY	
Display of flag on Government buildings.....	1321a
Establishment and observance.....	1321, 1321a
MOTOR BOATS	
Purchase, maintenance, etc., by Agricultural Department.....	142
Report of amount expended for.....	142
Exchange of boats and parts, etc., by Agricultural Department.....	p. 719
MOTOR CYCLES	
Mileage allowance for, Agricultural Department.....	33a, p. 715
MOTOR VEHICLES	
(See <i>Automobiles</i>)	
Exchange by Agricultural Department.....	56, p. 719
Reports.....	56
Exchange of parts, etc., by Agricultural Department.....	57, p. 719
Fuel sold by Government agency in District of Columbia for private vehicles, collection of tax.....	p. 742
Mileage allowance for, used by Agricultural Department.....	33a, p. 715
Official motor vehicles in District of Columbia subject to regulations.....	p. 741
Purchase, maintenance, etc., by Agricultural Department.....	142, p. 719
Report of amount expended for.....	142, p. 719
Purchase, maintenance, etc., estimates.....	1025
Restrictions on expenditures.....	1025
Transfer by Secretary of War to Agricultural Department for improvement of highways.....	506, 508-510
Transfer by Secretary of War to branches of Government service.....	1384
NARCOTIC DRUGS	
Delivery to departments, etc., of opium, etc., confiscated in enforcement of laws.....	1304, p. 742
NATIONAL BISON RANGE	
Appropriations.....	460, 461
Reappropriation of unexpended balance.....	461
Area reserved.....	460
Enlargement.....	461
Erection of buildings.....	461
Establishment.....	460
Inclosure.....	460, 461
NATIONAL BUREAU OF CRIMINAL IDENTIFICATION	
Information to departments.....	1130
NATIONAL FOREST RESERVATION COMMISSION	
Appropriation for expenses.....	637
Approval of lands for purchase.....	630
Authority as to purchase of land.....	627
Creation and composition.....	627

NATIONAL FOREST RESERVATION COMMISSION—Continued.		Section.
Reports by, annual.....		628
Reports to, by Secretary of Agriculture.....	629, pp. 733, 734	
Service of members.....		627
Vacancies.....		627
NATIONAL FORESTS		
(See <i>Agriculture, Department of; Forests; Forest Fires; Forest Service; Homesteads; Mineral Lands and Minerals; Public Lands; Rights of Way</i>)		
Agricultural lands, examination and ascertainment of.....		725
Homestead entry.....	725-731	
Additional right of to former settlers, price.....		726
Black Hills Forest Reserve.....	727, 730	
Certain counties in California excepted from.....	725, 729	
Commutation provisions not applicable.....		725
Credit for actual residence.....		725
Future settlements not authorized until lands opened.....		728
Filing plats and field notes.....		725
Land not to pass from forest until patent issues.....		731
Preference right to former settlers and applicants.....		725
Rights of former settlers not impaired.....		728
Lists and descriptions.....		725
Open to homestead entry.....		725
Plats and field notes.....	725, 732	
Surveys.....	725, 732	
Allotments of lands to Indians not entitled to allotments on Indian reservations, etc.....		735
Angeles National Forest, grant of rights of way to Los Angeles, Calif., for water power and electric plants.....	864-871	
Arizona, national forests within grants of school lands.....		577
Arrests for violations of laws and regulations.....		582
Black Hills National Forest, homestead entries of agricultural lands in.....	727, 730	
Provisions for protection of birds on bird-breeding grounds not applicable to.....		457
Boundaries, change of.....		549
Establishment.....		551
Bull Run National Forest, trespassing or grazing stock on.....		623
Calaveras Bigtree National Forest, acquisition of certain lands.....		652
Purposes for which lands held and administered.....		652
Reimbursement of owners of lands.....		652
California, creation of and additions to national forests in, by act of Congress.....		550
Exchange of lands or timber within national forests of, for lands within Sierra National Forest.....		721
Lands in set apart as reserved forest lands.....	644-651	
Sale of timber.....	542, 567	
Caribou National Forest, addition of certain lands to.....		689
Certain lands reserved and included in.....		670
Carson National Forest, exchange of lands or timber within, for lands within.....		724
Exchange of timber within national forests of New Mexico for certain privately owned lands to become part of.....	pp. 735, 736	
Churches, sites for.....		545
Cleveland National Forest, grant of lands within, to San Diego, Calif., for water supply.....	903-909	
Coconino National Forest, grant of lands within, to Percival Lowell for observatory purposes.....		564
Rights of Arizona Lumber and Timber Co. to cut timber on certain lands in, extended.....		619a
Rights of Saginaw and Manistee Lumber Co. to cut timber on certain lands within, extended.....		619
Colorado, creation of and additions to national forests in, by act of Congress.....		550
Colorado National Forest, addition of certain lands to.....		684

NATIONAL FORESTS—Continued

	Section.
Colorado National Forest—Continued	
Certain lands transferred to, from Rocky Mountain National Park	p. 735
Grant of lands within to Boulder, Colo., for water supply	874-876
Contributions toward cooperative work in forest investigations, dis-	
position	570
Report	570
Crater National Forest, certain lands revested in United States	
added to	677-678a
Creation of and additions to in certain States prohibited except by	
act of Congress	550
Crook National Forest, lands within for recreational purposes	p. 736
Crow Creek National Forest, exchange of public lands for privately	
owned lands, for enlargement of military maneuvering grounds	
within	694
Deerlodge National Forest, lands in for municipal park for Butte,	
Mont	910a
Deschutes National Forest, exchange lands or timber within national	
forests in Oregon for privately owned lands within Deschutes	
National Forest	724a
Earth, stone, and timber, taking for use of Navy and Alaskan rail-	
ways	558
Use for construction of irrigation works	554
Egress and ingress of settlers	544
Employees, authority to make arrests for violations of laws and	
regulations	582
Establishment	536
Modification and vacation of executive orders	549
Provision not repealed by provisions relating to timber and	
stone lands	742
Revocation, modification, and suspension of executive orders	
and proclamations	538
Within Government reservations	p. 734
Exchange of land or timber within national forests for lands therein	
valuable for national forest purposes	693b
Exchange of land or timber within national forests with persons who	
have relinquished lands as basis for lieu selection	693c
Relinquishment to such persons of original lands	693c
Selection of public lands in lieu of lands relinquished	693d
Export of timber and other products	556, p. 728
Fire protection	541
Free use of timber for telephone lines	555
Fishlake National Forest, exchange with Salina Land and Graz-	
ing Co. of certain lands within	706
Florida National Forest, exchange of lands of, for privately owned	
lands within	708
Forest ranger stations on lands of homestead settlers, restrictions	739
Forest reserves to be known as	537
Forest Service officials to aid in enforcement of local laws	580
Forest supervisors and rangers, selection	578
Grand Canyon National Forest, protection of game animals in	586-589
Grant of right of way over to Santa Fe and Grand Canyon	
Railroad Co.	815
Harney National Forest, areas set aside for protection of game	
animals and birds	590-593, 718
Exchange of nonmineral national forest lands for lands owned	
by South Dakota, to become part of	718
Homestead entries, agricultural lands	725-731
Preference right of contestants prior to withdrawal of land	734
Reinstatement of entries canceled or relinquished	733
Selection, classification, and segregation of lands	732
Yellowstone National Forest, certain lands in	736
Hotels, sites for	560-562

NATIONAL FORESTS—Continued

Section.

Idaho, creation of and additions to national forests in, by act of Congress	550
Idaho National Forest, certain lands added to	680
Inyo National Forest, grant of rights of way to Los Angeles, Calif., for water power and electric plants	864-871
Jurisdiction, civil and criminal	546
Kansas National Forest, exchange of lands of for privately owned lands within	695
Lands acquired for protection of watersheds, reservation as national forests	634
Lands donated to United States for timber purposes, to become national forest lands	p. 733
Lands of national forests containing coal, phosphate, sodium, oil, oil shale, or gas, disposition of deposits	767-805
Lands suitable for timber production within Government reservations, administration by Secretary of Agriculture	p. 734
Disposal of receipts from sale of products and for use of lands	p. 734
Establishment as national forests	p. 734
Expenditure of moneys available for construction of highways and general administration of national forests	p. 734
Punishment for violation of regulations	p. 734
Reservations, etc., excepted	p. 734
Use of and authority over lands previously reserved for Army or Navy not affected	p. 734
Lassen National Forest, certain lands added to	p. 735
Laws affecting, execution by Secretary of Agriculture	79
Leases of grounds for sanitariums, hotels, etc.	560
Disposition of funds arising from privileges	561
Lemhi National Forest, addition of certain lands to	693
Lewis and Clark National Forest, relocation of right of way of Great Northern Railway Co. and establishment as boundary between forest and Glacier National Park	827
Lincoln National Forest, grant of right of way to El Paso and Rock Island Railway Co. for water supply	828-835
Madison National Forest, sale of certain lands in, to Oregon Short Line Railroad Co. for hotel purposes	563
Malheur National Forest, exchange of land or timber of national forests in Oregon for privately owned lands within	724b
Maps	539
Sale of	63
Medicine Bow National Forest, addition of certain lands to	p. 730
Game refuge in	pp. 730, 731
Michigan, exchange with, of lands for State-owned lands to be reserved as national forest lands	666-668
Minam National Forest, certain lands added to	675
Mineral lands, location and entry	548
Restoration to public domain	548
Mineral resources, prospecting, locating, and developing	544
Minidoka National Forest, addition of certain lands to	693a
Minnesota, forestry lands on ceded Chippewa Indian reservations	653-664
National forest in	656-664
Missoula National Forest, certain lands added to	686
Modoc National Forest, inclusion of certain lands in	688
Moneys received, contributions toward cooperative work in forest investigations, disposition	570
Deposits from timber purchasers to cover cost of disposing of debris, disposition	553
Expenditure of percentage for construction of roads and trails	572
Leases of sites for sanitariums and hotels, disposition	561
On account of Forest Service for timber and other sources of forest revenue, disposition	568, 569
Sale of products or use of land or resources, disposition	565, 566
Payment of percentage to States for benefit of schools and roads	571, 636
Special fund	553, 561, 565, 566, 570

NATIONAL FORESTS—Continued

Section.

Montana, creation of and additions to national forests in, by act of Congress	550
Exchange of timber from national forests in, for privately or State owned lands within Glacier National Park	711-713
Montezuma National Forest, exchange, of land or timber within, for privately owned lands within	722
National Forest Reservation Commission	627-630, 637, pp. 733, 734
National monuments contiguous to, supervision, management, and control	581
Nebraska National Forest, young trees from nurseries on, furnished to residents on arid lands	559, p. 728
New Mexico, national forests within grants of school lands	576
Nez Perce National Forest, addition of certain lands to	691
Nursery stock for, purchase without advertisement	137
Ochoco National Forest, certain lands added to	676
Exchange of lands of, for privately owned lands within	705
Olmstead lands	638-640
Olympic National Forest exchange of lands for lands not in Government ownership to become parts of	724c
Oregon, creation of and additions to national forests in, by act of Congress	550
Exchange with, of certain lands for certain State-owned lands within national forests	665
Oregon National Forest, boundaries of enlarged to include certain lands	679
Certain railroad lands revested in United States added to	677-678a
Exchange of lands in, for privately owned lands within	709
Exchange of nonmineral lands or timber in for privately owned lands within	717
Paulina National Forest, exchange of lands of, for privately owned lands within	702
Payette National Forest, certain lands added to	680
Pecos National Forest, exchange of timber within for privately owned lands within Zuni National Forest	703
Permits, export of timber, etc., from State or Territory	556
Free use of timber for telephone lines for fire protection	555
Sites for summer homes, hotels, and stores	562
Taking earth, stone, and timber for use of Navy and Alaskan railways	558
Use of earth, stone, and timber for irrigation works	554
Pike National Forest, addition of certain lands to	684
Certain lands reserved and added to	671-673
Certain lands within set aside for water supply for Colorado Springs and Manitou, Colo.	878-883
Grant of right of way to Cripple Creek District Railway Co.	816
Grant of right of way to Cripple Creek Short Line Railway Co.	817
Plats and field notes	539
Plumas National Forest, certain lands added to	p. 735
Pocatello National Forest, certain lands added to	669
Prospecting	544
Protection, regulations	541
Protection of forested watershed of navigable streams	624-637, p. 733
Acquisition of lands by United States	626, p. 733
Not defeated by rights of way, easements, and reservations	632
Appropriations, cooperation by Secretary of Agriculture with States in fire-protection	625
Examination, survey, and acquisition of lands	626
Expenses of National Forest Reservation Commission	637
Ascertainment and determination of location of public lands valuable for stream-flow protection or timber production, report thereof	p. 734
Consent of Congress given to agreement among States for conservation of forests and water supply	624
Consent of State legislature to acquisition of lands by United States	630

NATIONAL FORESTS—Continued

Section.

Protection of forested watershed of navigable streams—Continued.

Cooperation by Secretary of Agriculture with States in fire protection.....	625, p. 731
Appropriation.....	625
Limitation on amount of Federal expenditure.....	625
Private or State lands.....	625
Examination, location, and recommendation for purchase, of lands.....	629, p. 733
Report thereof to commission.....	629, p. 733
Examination, survey, and location of lands, appropriation.....	626
Lands acquired, agricultural areas in, examination and ascertainment of location and extent.....	633
Agricultural areas in, sale as homesteads.....	633
Designation of areas in, for protection of game animals, birds, and fish.....	643
Division into specific national forests.....	634
Hunting, etc., on areas set aside for protection.....	643
Mineral resources of, prospecting, development, and utilization.....	641
Moneys received from national forests on, payment of percentage to States for schools and roads.....	636
Moneys received from permits for hunting, etc., on, disposition.....	642
Permanent reservation as national forest lands.....	634
State jurisdiction of.....	635
Lands donated to United States for national forest purposes subject to act.....	p. 733
National Forest Reservation Commission.....	627-630, 637, pp. 733, 734
Olmstead lands subject to act.....	639
Purchase of lands by Secretary of Agriculture.....	630
Rights of way, easements, and reservations, acquisition of lands not defeated by.....	632
Subject to regulations of Secretary of Agriculture.....	632
Title to lands acquired.....	631
Purchase of seed, cones, and nursery stock without advertisement.....	137
Purposes for which established and administered.....	540
Rainier National Forest, exchange of timber or lands in national forests of Washington for lands not in Government ownership within Rainier National Forest.....	723, 723a
Reservation of lands within for municipal water supply.....	910
Reduction of area.....	549
Refunds, excess of deposits to secure purchase price on sale of products, etc.....	568
Excess of shares paid as contributions toward cooperative forest investigations.....	570
Sums erroneously collected for use of lands, for timber, etc.....	569
Reimbursement to owners of horses, vehicles, etc., damaged or destroyed while fire fighting, trail building, etc.....	575
Rights of way, canals, ditches, etc.....	842, 843
Electric plants, poles and lines.....	842, 844
Electric power companies.....	841
Pipe lines, lessees of oil or gas lines.....	795
Railroads.....	812
Telephone and telegraph poles and lines.....	842, 844
Wagon roads, railroads, or highways.....	812
Roads and trails, additional percentage of moneys received from national forests available for expenditure by Secretary of Agriculture for construction and maintenance of.....	572
Appropriation for survey, construction, and maintenance of, amounts, mode and manner of expenditure.....	573-573c, p. 728
Reports of expenditures.....	573, 573a
Cooperation with States, etc., in construction, maintenance, etc.....	572-573c, p. 728
Definition of forest roads under Federal Highway Act.....	512

NATIONAL FORESTS—Continued

Roads and trails—Continued	Section.
Labor, preference to honorably discharged soldiers, sailors, and marines	573a
Maps of forest roads constructed by Federal aid	525
Use of public land or reservations for rights of way or source of materials for	527
War material, equipment, and supplies for construction, etc.	504, 515
Sale of products, etc., refunds of excess of deposits to secure purchase price	568
Refunds of sums erroneously collected, etc.	569
Special fund, expenditure	553, 565-566
Sale of timber	542, 552
Deposit to defray cost of disposing of debris	553
In California, to conform to laws governing sales in other States	567
San Bernardino National Forest, permit to Edison Electric Co. for electric power plants in	852-861
San Francisco National Forest, grant of right of way to Central Arizona Railway Co.	822
Grant of right of way to Flagstaff, Ariz., for pipe line for water supply	862, 863
Grant of right of way to Saginaw Southern Railroad Co.	818
San Gabriel National Forest, grant of right of way to Pasadena & Mount Wilson Railway Co.	819-821
Permit to Edison Electric Co. for power plants in	852-861
Sanitariums, sites for	560, 561
San Juan National Forest, certain lands within granted to Durango, Colo., for water supply	872, 873
Santa Barbara National Forest, rights of way to Los Angeles, Calif., for water supply and electric power plants	864-871
Schools and churches, sites for	545
Secretary of Agriculture to execute laws affecting	79
Seed, cones, and nursery stock, purchase without advertisement	137
Sequoia National Forest, grant of rights of way to Los Angeles, Calif., for water supply and power and electric plants	864-871
Shoshone National Forest, certain lands added to	676a
Sierra National Forest, exchange of land or timber within national forests of California for lands within Sierra National Forest	721
Exchange of lands for patented lands in, to become part of Yosemite National Park	693
Exchange of lands of, for certain privately owned timber lands within Sierra National Forest and Yosemite National Park	700
Exchange of timber and lands within, for patented lands within Yosemite National Park	696-699
Lands included in	644-651
Permit to Edison Electric Co. for power plants in	852-861
Siskiyou National Forest, certain lands added to	676b, 676c
Sites, sanitariums and hotels	560, 561
Schools and churches	545
Summer homes, hotels, stores, etc.	562
Siuslaw National Forest, certain railroad lands revested in United States added to	677-678a
Snoqualmie National Forest exchange of lands for lands not in Government ownership to become parts of	724c
South Dakota, exchange with, of nonmineral national forest lands for State-owned lands within national forests in	718
Special funds, contributions toward cooperative work in forest investigations, expenditure	570
Deposits received from timber purchasers to defray cost of disposing of debris, expenditure	553
Funds from leases of sites for sanitariums and hotels, expenditure	561
Money received from sale of products or use of land, etc., expenditure	565, 566
Stanislaus National Forest, exchange of lands for patented lands in, to become part of Yosemite National Park	696
Exchange of timber and lands within, for patented lands within Yosemite National Park	696-699

NATIONAL FORESTS—Continued

Stanislaus National Forest—Continued	Section.
Grant of rights of way and lands within, to San Francisco, Calif., for water supply and power plants	884-894
Stone, free use by settlers	543
Taking for use of Navy and Alaskan railways	558
Use for irrigation works	554
Supervisors and rangers, selection	578
Surveys	538, 539
Agricultural lands	725, 732
Targhee National Forest, addition of certain lands to	692
Telephone lines for fire protection, free use of timber for construction	555
Telephone supplies, transfer by Secretary of War to Secretary of Agriculture for use of Forest Service	574
Teton National Forest, certain lands added to	674
Timber, Alaska, export of pulp wood or wood pulp	557
Exchange of, for lands relinquished as basis for lieu-land selection	693c
Exchange of, for lands within national forests	693b
Export from State or Territory	556, p. 728
Free use by settlers, etc	543
Free use for construction of telephone lines for fire protection	555
Sale	542, 552, 567
Deposits to defray cost of disposing of debris	553
Taking for use of Navy or Alaskan railways	558
Use for construction of irrigation works	554
Tusayan National Forest, rights of Arizona Lumber and Timber Co. to cut timber on certain lands in, extended	619a
Rights of Saginaw and Manistee Lumber Co. to cut timber on certain lands within, extended	619
Uintah National Forest, reservation of lands within Uintah Indian Reservation as an addition to	682
Wasatch National Forest, protection certain lands within, reserved for water supply of Salt Lake City, Utah	899-902
Grant of right of way to Salt Lake City, Utah, for reservoir purposes	577
Washington, creation of and additions to national forests in, by Act of Congress	550
Waters, use of	547
Weiser National Forest, additions of certain lands to	690
Wenatchee National Forest, exchange of lands or timber within, for lands not in Government ownership	724c
Whitman National Forest, addition of certain lands to	685
Exchange of timber in or near for privately owned land within	710
Reservation of certain lands within, as water supply for Baker, Oreg	895-898
Wichita National Forest, protection of game animals and birds in	583-585
Wyoming, creation of and additions to national forests in, by act of Congress	550
Wyoming National Forest, addition of certain lands to	683, 687
Yellowstone National Forest, homestead entries on certain lands in	736
Zuni National Forest, exchange of timber within Pecos National Forest for certain privately owned timber lands within Zuni National Forest	703
Fort Wingate Military Reservation added to	681
Grant of right of way to Atchison, Topeka, & Santa Fe Railway Co. upon	823-826

NATIONAL GUARD

(See *Military and Naval Service.*)

NATIONAL MONUMENTS

(See *Antiquities.*)

Contiguous to national forests, supervision, management, and control	58i
Preservation	600-603

	Section.
NATIONAL ZOOLOGICAL PARK	
Heads of Departments to aid in acquisition of collections for-----	1123
NAVAL MILITIA	
(See <i>Military and Naval Service.</i>)	
NAVAL RESERVE FORCE	
(See <i>Military and Naval Service.</i>)	
NAVAL STORES ACT	
Text-----	290a-290g
NAVAL STORES	
Analysis of-----	290d
Appropriations for administration and enforcement of act-----	290h
Certificate-----	290d
Classification of-----	290d
Definitions-----	290b
Examination of-----	290d
Grading of-----	290d
Partial invalidity of act-----	290i
Punishment for violations of act-----	290f
Purchase of samples of turpentine, etc-----	290g
Report of violations of act-----	290g
Sale of samples of-----	68
Samples of turpentine, etc., publication of results of analysis, etc.---	290g
Purchase-----	290g
Standards, adoption of existing standards-----	290c
Designation of grades of rosin-----	290c
Duplicates of official standards-----	290d
Establishment of additional standards-----	290c
Hearing-----	290c
Notice-----	290c
When effective-----	290c
Modification-----	290c
Hearing-----	290c
Notice-----	290c
When effective-----	290c
Official designation-----	290c
Title of act-----	290a
Unlawful acts relating to-----	290e
Sale of naval stores, except under official standards-----	290e
Other than of represented standards-----	290e
Using false, misleading, or deceitful means or practices in sale-----	290e
Using "turpentine" or "rosin" to designate anything other than standard stores-----	290e
NAVY	
(See <i>Military and Naval Service</i>)	
Earth, stone, and timber from national forests for use of-----	558
Retired officers and enlisted men excepted from limitation on double salary-----	1007
Retired officers and enlisted men holding other lucrative office-----	1008, p. 738
NEBRASKA NATIONAL FOREST, young trees from nurseries furnished to residents on arid lands-----	559, p. 728
NEVADA	
Timber, mineral lands, cutting for certain purposes-----	614
Public lands, cutting for certain purposes-----	616
NEW MEXICO	
National forests within grants of school lands-----	576
Timber, mineral lands, cutting for certain purposes-----	614
Public lands, cutting for certain purposes-----	616
NEWSPAPERS	
(See <i>Advertisements</i>)	
Expenditures for, limitation of amounts-----	1184, 1185
Restricted-----	1185
Publication in, advertisements, etc-----	1339-1344
Articles by Forest Service, restricted-----	35
Notice of existence of contagious, etc., disease of livestock-----	173
Notice of quarantine of States, etc., for contagious, etc., diseases of livestock-----	181

NEWSPAPERS—Continued	Section.
Publication in, advertisements, etc.—Continued	
Notice of quarantine of States, etc., for plant diseases, etc.....	236
Notice of restoration to public domain of lands in national forests.....	548
Notice of sale of timber on national forests.....	542
NEW YEAR'S DAY	
Holiday in District of Columbia.....	958
NEZ PERCE NATIONAL FOREST	
Addition of certain lands to.....	691
NITRATE LANDS	
Agricultural entry.....	750-752
NORTH DAKOTA	
Exchange of lands for State-owned lands for use by Agricultural Department in experiments in dry-land agriculture.....	51
Sullys Hill National Park Game Preserve.....	459
Timber, mineral lands, cutting for certain purposes.....	614
Public lands, cutting for certain purposes.....	616
NOTARIES PUBLIC	
Authority to administer oaths and take acknowledgments.....	1022
Authority to take acknowledgments and affidavits.....	1022a
Officers or employees who are, not to charge fees for administering oaths.....	942, 1021
NOTICES	
Civil service employees, appointments, rejections, transfers, resignations, and removals.....	927
Charges against.....	974
Retirement.....	1075
Coal lands and deposits, proposed leases by permittees.....	768
Cotton Futures Act, changes in cotton standards.....	387
Employees Compensation Act, injury to employee.....	1047-1049
Farmers' bulletins for Members of Congress.....	112
Food and Drugs, adulteration or misbranding.....	269
Delivery of samples of importations for examination.....	276
Judgment of court.....	269
Grain Futures Act, suspension or revocation of designations of boards of trade as contract markets.....	406
Vacation of designation of boards of trade as contract markets.....	407
Grain standards, establishment or alteration.....	292
Highways constructed by Federal aid, failure of State to maintain.....	500
Insecticides and fungicides, adulteration or misbranding.....	253
Delivery of samples of importations for examination.....	260
Judgment of court.....	253
Oil and gas lands, applicants for prospecting permits.....	779
Opening bids for supplies.....	1345
Packers and Stockyards Act, changes in rates or charges.....	360
Stockyards within provisions.....	356
Publication, District of Columbia.....	1339
Rates of payment.....	1342
Written authority required.....	1344
Quarantine of States, etc., for contagious, etc., diseases of live-stock.....	173, 181, 183
Quarantine of States, etc., for plant diseases, etc.....	236
Renting buildings in District of Columbia without appropriation, presumptive notice.....	1358
Restoration to public domain of mineral lands in national forests.....	548
Sale of timber on national forests.....	542
Sending out reports, documents, or publications.....	1435
NURSERY STOCK	
(See <i>Plants</i>)	
Importation, transportation, quarantine, etc.....	229-242
Purchase for national forests without advertisement.....	137
OAKVILLE, CALIF.	
Acquisition of lands occupied by experiment vineyards of Agricultural Department near.....	54
OATHS	
Cotton Futures Act, answers under oath.....	386

OATHS—Continued	Section.
Expense accounts, administered by whom-----	1021
Notaries public who are officers or employees not to charge or be paid for administering-----	1021
Notaries public-----	1022
Officers or clerks of departments detailed to investigate frauds, etc., authorized to administer oaths to witnesses-----	1085
Official, chief clerks of departments authorized and directed to administer without compensation-----	942
Custody of-----	943
Form of-----	939, 940
Officers, clerks, or employees who are notaries public not to charge or receive fee for administering-----	942
Who may administer-----	941
Persons prosecuting claims before departments-----	1390
Secretary of Agriculture or authorized representative empowered to administer oaths in enforcement of certain acts-----	86
OATS	
Importation of seeds adulterated or unfit for seeding-----	222-227
OBSCENE LITERATURE	
Officer, agent, or employee aiding trade in-----	1108
OCHOCO NATIONAL FOREST	
Certain lands added to-----	676
Exchange of lands of, for privately owned lands within-----	705
OFFICERS AND OFFICES	
(See <i>Clerks; Employees</i>)	
Accepting bribe-----	1102, 1104
Accepting voluntary service prohibited-----	1177
Accounts, delinquency in rendering or transmitting-----	1205
Distinct accounts of moneys by appropriations-----	1237
Inspection-----	1216-1218
Rendition-----	1204, 1235
Advertisements, etc., not to be published without authority-----	1344
Agricultural Department, commissions-----	40
Compensation, rate specified-----	19
Details of employees-----	21-23
Employed on lump-sum appropriations, statement in estimates--	145
Engaged in cooperative activities, salary from source other than United States-----	37
Engaged in execution of Grain Standards Act, assaulting, etc-----	300
Estimates-----	145
Meat inspecting, bribery-----	212(20)
Payment of salary from roll of office, etc-----	20
Reimbursement for street-car fares-----	32
Rent of buildings, statement in estimates-----	147
Statements in estimates-----	145, 146
Traveling expenses, per diem in lieu of-----	31
Transfer from one station to another-----	33
Apportionment of salary for part of year's service-----	1010
Arrearage due United States set-off against salary-----	1030
Bribery-----	1091, 1103
Budget officers in departments, designation, duties-----	1148
Bureau of Animal Industry, assaulting, etc-----	167
Civil pension roll or honorable service roll prohibited-----	1029
Civil Service classification-----	930
Civil Service examination for appointment or promotion-----	931
Civil Service rules, duty to aid in carrying into effect-----	927
Coast and Geodetic Survey charts, free distribution-----	1455
Consolidation, transfer, etc., submission in estimates-----	1151
Contingent funds, restrictions on purchases from-----	1182
Conspiracy to prevent officer from performing duties-----	1088
Contracting for erection, etc., of building in excess of appropriation--	1362
Contracts, making with Member of Congress-----	1379
Receiving consideration for procuring, etc-----	1377
Copies of printing not bearing Congressional number, distribution--	1436

OFFICERS AND OFFICES—Continued

Section.

Copy of each publication to be delivered to Superintendent of Documents	1439
Crop reports, giving advance information	1106
Issuing false	1107
Death, expiration of term, etc., suits against officers in official capacity	921
Death, resignation, absence, or sickness, filling temporary vacancies	914-920
Deduction of income tax from amounts due from United States to nonresident aliens	p. 740
Delinquents, report of	1205
Deposit of moneys without deduction	1228, 1232
Designation of officials in departments to prepare estimates	1148, 1154
Destroying, etc., public records	1460
Detail from departments to Federal Trade Commission	1129a
Detail from outside District of Columbia to duty within District restricted	985, 994
Detail from Public Health Service to Agricultural Department for assistance in administration of Food and Drugs Act	280
Detectives from private agencies not to be employed	991
Disloyal conduct, dismissal	1112
Divulging information obtained by United States Tariff Commission	1127
Documents to be delivered to Superintendent of Documents	1441
Documents printed for, copies distributed by Public Printer	1436
Double salaries	919, 1006, 1007
Embezzlement	1279, 1281-1287, 1290
Employing clerks and employees beyond provisions of law prohibited	987
Employing detectives from private agencies prohibited	991
Employment of, only as specifically appropriated for	985, 986
Estimates for, to be founded upon express provision of law	1158
Expenditures for newspapers, etc., restrictions	1184
Expenditures for newspapers, limitation on amounts	1185
Expenditures for vehicles restricted	1023-1025
Expense accounts, administration of oaths, by whom	1021
Administration of oaths, fees to notaries public who are salaried officers employees prohibited	1021
Expenses of, sent away as witnesses	1020
Extortion by	1092
Extra compensation, etc.	919, 1006, 1007, 1011, 1012, 1014
Failing to render accounts for money	1283
Failing to render accounts or pay over money as required, proceedings	1239-1254
False certificate, etc.	1105
False acknowledgments, etc., by officer authorized to administer oaths	1381
False crop reports	1107
False entries in accounts	1280
False report of moneys	1280
Falsely pretending to be	1090
Falsifying, etc., public records	1460
Foreign decorations, delivery through State Department	1114
Not to be publicly worn	1113
Forest Service, aid in enforcement of local laws and to other bureaus and departments	580
Engaged in cooperative activities, salary from source other than United States	37
Traveling expenses restricted	579
Former officers in departments not to prosecute claims therein	1391
Fuel, purchase without inspection unlawful	1346
Giving advance information of crop reports	1106
Holding more than one office	1008
Horses and carriages, restriction on expenses	1023
Income tax, deduction from amounts due from United States to nonresident aliens	p. 740
Returns to Commissioner of Internal Revenue in regard to payments made by United States	1115, p. 739
Influencing Members of Congress as to legislation	1098

OFFICERS AND OFFICES—Continued

	Section.
Information to be furnished Bureau of Efficiency	973
Information to Secretary of Commerce pertinent to census work	1129
Interested persons not to act as officers or agents of United States in transactions	1375
Interest in claims against United States	1100
Intoxicants, persons using to excess not to be appointed or retained in office	932
Irregularity or misconduct, investigations, oaths	1085
Jury duty, exemption from	1117
Lapsed salaries	985
List of officers, etc., to be filed for Official Register	1452
Mail matter transmitted free	1469
Meat inspection, accepting bribe	212 (20)
Bribery	212 (20)
Members of National Guard, leave of absence	949-951
Members of Officers' Reserve Corps, leave of absence	952
Membership dues in societies and expenses of attending meetings, expenditure prohibited	1026
Militia duty, exemption from	1117
Motor vehicles and equipment, purchase from surplus stock of War Department	1384
Neglect or refusal to make return or report as required, punishment	1291
Newspapers, expenditures, limitation on amounts	1185
Restriction on expenditures	1184
Oath of office, custody	943
Fees not to be charged or received by officers, etc., for administering	942
Form of	939, 940
Who may administer	942
Oath to expense accounts, administration by whom	1021
Fees for administering not to be charged by officers, etc.	1021
Official bonds, corporate sureties	980
Cost of furnishing not to be paid by United States	979
Examination	980
Limitation on rate of premium	981
Renewal	981
Special agents	977
Passport fees, exemption from	1131
Patents for inventions for use of Government	1118
Political contributions prohibited	1087, 1093-1096
Punishment	1087, 1097
Polygamists ineligible for office	938
Preference in appointments to persons honorably discharged from military or naval service	925, 931
Presents and contributions to superiors prohibited	1086
Printing and binding equipment and supplies, delivery to Public Printer	1408
Printing annual reports, type, and form	1424
Printing not to be done unless authorized and necessary	1412
Private telephone service, expenditure for restricted	1187
Property returns	1209-1212
Prosecuting claims against United States	1100
Publications furnished to be delivered to successors in office	1457
Publications, sending with compliments prohibited	1435
Purchasing court fees at less than face value	1099
Receipting for larger sums than paid	1279
Receipting without paying in authorized funds or in full amount	1288
Receiving consideration for procuring contracts, etc.	1377
Receiving pay in matters affecting United States	1101
Receiving salary from sources other than United States	1032
Regulations by heads of departments governing conduct	913
Removal of office because of sickness, account to Congress	1138
Rendition of accounts for money	1235
Rendition of distinct accounts by appropriations	1237
Report in estimates of number and salaries of inefficient employees	1159

OFFICERS AND OFFICES—Continued	Section.
Requiring or permitting more than eight hours' labor each day on public works.....	1365, 1366
Requiring receipt for amount greater than actually paid.....	1279
Returns to Commissioner of Internal Revenue in regard to payments made by United States.....	1115, p. 739
Sale of public funds without accounting for premium.....	1263
Submitting estimates or requests for appropriations, etc., unless at request of Congress prohibited.....	1143
Subsistence allowance while traveling, limitation on.....	1018
Suits against officers in official capacity, effect of death, expiration of term, etc.....	921
Supreme Court Reports to be preserved and delivered to successors in office.....	73
Trading in public funds.....	1292
Transfers of salaries, submission in estimates.....	1151
Traveling expenses, actually incurred only allowed.....	1017, 1018
Subsistence allowance, limitation on.....	1018
Per diem in lieu of.....	1019
Restrictions.....	1018
Report of.....	1134
Unauthorized employment of clerks, etc., prohibited.....	987
Unauthorized office, payment of salary prohibited.....	988
Unlawfully using public money.....	1282
Use of name in advertising practice before departments unlawful.....	1392
Vacancies, filling temporarily.....	914-920
Vehicles for use of, restrictions.....	1023-1025
Weather Bureau, allowance of traveling expenses when transferred from one station to another.....	161
Witnesses, expenses when sent away as.....	1020
OFFICERS' RESERVE CORPS	
(See <i>Military and Naval Service</i>)	
OFFICIAL BONDS	
(See <i>Bonds</i>)	
OFFICIAL ENVELOPES	
(See <i>Mail</i>)	
OFFICIAL OATHS	
(See <i>Oaths</i>)	
OFFICIAL PASSES	
Forgery, etc.....	1111
OFFICIAL PERMITS	
(See <i>Permits</i>)	
Forgery, etc.....	1111
OFFICIAL REGISTER	
Distribution, number of copies for Agricultural Department.....	1452
Editing, indexing, and publication.....	1452, 1453
Lists of officers, etc., employees for, to be filed by departments, etc.....	1452, 1453
OIL LANDS	
Entry under nonmineral laws.....	750-752
Entry under placer-mining laws.....	745
Leases and permits.....	767, 779-789, 793-805
Patents, disposition of oil or proceeds pending determination upon applications.....	747
Transfer of land before discovery.....	746
Rights of occupants of lands withdrawn from settlement, etc.....	749
OIL SHALE	
Leases.....	767, 788, 793-805
OKLAHOMA	
Certain lands of former Indian reservations set aside for dry-farming station for Agricultural Department.....	50
OLMSTEAD LANDS	
Existing private rights protected.....	640
Secretary of Agriculture to have charge of.....	638
Subject to provisions of act for protection of watersheds.....	639

	Section.
OLYMPIC NATIONAL FOREST	
Exchange of lands for certain lands not in Government ownership to become parts of.....	724c
ORDERS	
Associations of producers of agricultural products monopolizing or restraining trade.....	347b
Destruction of condemned food and drugs.....	275
Destruction of condemned insecticides and fungicides.....	259
Destruction of unlawful inclosures of public lands.....	595
Forgery, etc.....	1270
Having in possession.....	1271
Packers and Stockyards Act.....	363, 367-369
Publications to be sent departments by Public Printer.....	1454
OREGON	
Ashland, certain lands added to Crater National Forest for protection of water supply of.....	678, 678a
Baker, lands within Whitman National Forest reserved as water supply.....	895-898
Corvallis, certain lands added to Siuslaw National Forest for protection of water supply of.....	678, 678a
Dallas, certain lands added to Siuslaw National Forest for protection of water supply of.....	678, 678a
Exchange with of certain lands for certain State-owned lands within national forests.....	665
Forest Grove, transfer from Interior Department to Agriculture Department of land in for use of Bureau of Entomology.....	52
National forests, creation of or additions to except by act of Congress prohibited.....	550
Oregon City, certain lands added to Oregon National Forest for protection of water supply of.....	678, 678a
Timber, cutting for certain purposes on public lands.....	616
OREGON NATIONAL FOREST	
Boundaries of enlarged to include certain lands.....	679
Certain railroad lands revested in United States added to.....	677-678a
Exchange of lands in for privately owned lands within.....	709
Exchange of nonmineral lands or timber in for privately owned lands within.....	717
ORGANIZED MILITIA	
(See <i>Military and Naval Service.</i>)	
OSPREY PLUMES	
Importation prohibited.....	455
PACKERS AND STOCKYARDS	
Accounts, records, etc., authority of Secretary of Agriculture to prescribe manner and form.....	371
Duty to keep.....	371
Failure to keep in manner and form prescribed, punishment.....	371
Act not to affect enforcement of certain other acts.....	375
Appropriation for carrying out act.....	377
Cooperation by Secretary of Agriculture with departments, etc., of Government or of States, etc.....	377
Definitions.....	349
Expenditures for administration of act.....	377
Appropriation.....	377
Federal Trade Commission, certain provisions applicable.....	372
Federal Trade Commission Act, power and jurisdiction restricted.....	376
Liability of principal for act, omission, or failure of agents, etc.....	373
Packers, accounts, records, etc., authority of Secretary of Agriculture to prescribe manner and form.....	371
Accounts, records, etc., duty to keep.....	371
Failure to keep, punishment.....	371
Definition of.....	350
Failure to obey order of Secretary of Agriculture, punishment.....	354
Service of complaint, etc., upon.....	352
Unlawful practices defined.....	351
Violations of provisions relating to, appeal to Circuit Court of appeals.....	353
Complaint by Secretary of Agriculture.....	352

PACKERS AND STOCKYARDS—Continued

Packers—Continued

Violations of provisions relating to, etc.—Continued

Section.

Final injunction	353
Hearing	352
Intervention	352
Orders of Secretary of Agriculture, finality	353
Report and order by Secretary of Agriculture	352
Temporary injunction	353
Transcript of record	352
Partial invalidity of act	378
Powers or jurisdiction of Interstate Commerce Commission not affected	376
Powers or jurisdiction of Interstate Commerce Commission not conferred on Secretary of Agriculture	376
Rules, regulations, and orders by Secretary of Agriculture for carrying out act	377
Stockyards, accounts, records, etc., authority of Secretary of Agriculture to prescribe manner and form	371
Accounts, records, etc., duty to keep	371
Accounts, records, etc., failure to keep, punishment	371
Definitions	355
Stockyards	356
Determination by Secretary of Agriculture of stockyards within definition of act	356
Notice	356
Failure to obey orders of Secretary of Agriculture, penalty	368
Laws applicable in enforcing provisions	370
Liability for damages to persons injured by violations of provisions	362
Market agency or dealer, accounts, records, etc., authority of Secretary of Agriculture to prescribe manner and form	371
Accounts, records, etc., duty to keep	371
Failure to keep, punishment	371
Bonds to secure performance of obligations, authority of Secretary of Agriculture to require	p. 722
Orders of suspension for insolvency or violation of act, authority of Secretary of Agriculture to issue	p. 722
Time of taking effect	p. 722
Registration with Secretary of Agriculture, penalty for failure	357
Orders of Secretary of Agriculture, enforcement by district court	369
Failure to obey, enforcement by district court	369
Punishment	368
Time of taking effect	367, p. 722
Rates and charges for services, failure to comply with provisions relating to, penalty, punishment	360
Schedules, change	360
Filing	360
To be just and reasonable	359
Violations of provisions relating to, investigation and hearing by Secretary of Agriculture	363
Liability for damages to injured persons, enforcement	362
Order by Secretary of Agriculture as to charges or practices	364
Order for payment of money, suit on failure to comply	363
Petition to Secretary of Agriculture	362
Rates and practices prejudicial or preferential as between intrastate and interstate or foreign commerce, Secretary of Agriculture to prescribe rates and practices	365
Unlawful	365
Reasonable regulations and practices to be established and enforced	361
Reasonable services to be furnished	358
Unfair, discriminatory, or deceptive practices, order by Secretary of Agriculture	366
Unlawful	366

PACKERS AND STOCKYARDS—Continued

Stockyards—Continued

Section.

Unjust, unreasonable, or discriminatory rates, charges, regulations, or practices, order by Secretary of Agriculture..... 364

Secretary of Agriculture to prescribe rates, etc..... 364

Unjust, unreasonable, or discriminatory rates or charges, prohibited..... 359

Unjust, unreasonable, or discriminatory regulations or practices, prohibited..... 361

Title of act..... 348

Violations of act, prosecution by Attorney General..... 374

Reports by Secretary of Agriculture to Attorney General..... 374

PARIS GREEN

(See *Insecticides and Fungicides.*)

PASSES

Forgery, etc..... 1111

PASSPORT FEES

Officers and employees exempted from..... 1131

PATENTS

Inventions by Government employees for public use..... 1118

Representation of heads of departments requesting expedition of application for..... 1120

Suits by owners for infringement by United States..... 1119

Provisions not applicable to patentees in Government service or to inventions during service..... 1119

PAULINA NATIONAL FOREST

Exchange of lands of, for privately owned lands within..... 702

PAY

(See *Compensation; Salaries.*)

PAYETTE NATIONAL FOREST

Certain lands reserved and added to..... 680

PECOS NATIONAL FOREST

Exchange of timber within for privately owned timber lands within Zuni National Forest..... 703

PERIODICALS

Agricultural Department, exchange..... 59

Expenditures for, restricted..... 1184

Restrictions on publication..... 1415, 1416

Restrictions on purchase from appropriations for contingent expenses..... 1183

Subscriptions, payment in advance..... 1261

PERMITS

(See *Licenses.*)

Cutting timber in Wyoming and removal to Idaho..... 617

Examination of ruins, excavation of archeological sites, etc..... 602

Foreign wild animals and birds, importation..... 465

Forgery, etc., official permits..... 1111

Hunting, fishing, etc., on lands acquired for protection of watersheds, disposition of proceeds..... 642

National forests, export of timber from State..... 556

Free use of timber for construction of telephone lines for fire protection..... 555

Rights of way for electrical plants, etc., canals, ditches, etc..... 842

Sites for summer homes, hotels, stores, etc..... 562

Taking earth, stone, and timber for use of Navy and Alaskan railways..... 558

Use of earth, stone, and timber for irrigation works..... 554

Nursery stock, importation..... 229

Prospecting, coal..... 768, 774, 793, 796

Oil and gas..... 779-782, 786, 787, 789, 790, 793, 796

Potassium..... 754-766

Sodium..... 790-793, 796

Prospecting, development, and utilization of mineral resources of lands acquired for protection of watersheds..... 641

Rights of way through public lands and forest, etc., reservations for electrical plants, etc., canals, ditches, etc..... 842

Tea, delivery of imported..... 286

Viruses, etc., for domestic animals, importation..... 221 (2, 5)

PERSONNEL CLASSIFICATION BOARD

(See *Employees*)

Section.

PETROLIUM

(See *Oil*)

PHOSPHATE LANDS

Entry under nonmineral laws..... 750-752

Entry under placer-mining laws..... 753

Leases..... 767, 775-778, 793-805

PHOTOGRAPHIC PRINTS

Agricultural Department, sale of..... 63, 64

PIKE NATIONAL FOREST

Addition of certain lands to..... 684

Certain lands reserved and included in..... 671-673

Certain lands within set aside as water supply reserve for Colorado Springs and Manitou, Colo..... 878-883

Grant of right of way to Cripple Creek District Railway Co..... 816

Grant of right of way to Cripple Creek Short Line Railway Co..... 817

PIPE LINES

(See *National Forests; Rights of Way*)

PLANT INDUSTRY

Bureau in Agricultural Department, appointment from, to Federal Horticultural Board..... 240

Laws relating to former divisions made applicable to..... 10

(See *National Forests; Rights of Way*)

PLANT QUARANTINE ACT

(See *Plants*)

Text..... 229-242

PLANTS

(See *Seeds*)

Diseases, etc., determination of existence in country or locality... 235

Determination of existence in country or locality, hearing..... 235

Promulgation..... 235

District of Columbia, authority and powers of employees of

Federal Horticultural Board..... 241

Control, eradication, etc..... 241

Destruction of infected or infested plants, etc..... 241

Notice of infection or infestation..... 241

Regulations..... 241

Search warrants..... 241

Transportation of plants, etc., into or out of except in compliance with regulations, punishment..... 241

Federal Horticultural Board, composition..... 240

Forgery, etc., of certificates..... 238

Importation of plants, etc., by Agricultural Department for experimental or scientific purposes..... 242

Cotton and cottonseed from Mexico, disposal of receipts

from charges of cleaning and disinfection..... p. 722

From country or locality where disease exists, prohibited... 235

Nursery stock..... 229-235, 242

Plants other than nursery stock, restrictions..... 233

Interstate shipment or transportation of plants, etc., from quar-

antined locality, prohibition..... 236

Liability of corporation, etc., for act, etc., of agent..... 239

Nursery stock, defined..... 234

Importation, by Agricultural Department, for experimental

or scientific purposes..... 229, 242

From countries having no official inspection..... 229

From countries or localities where disease, etc., exists... 235

Issue of permit..... 229

Marking of packages, etc..... 231

Notification of arrival..... 230

Without permit or certificate of foreign inspection

unlawful..... 229

Interstate shipment of imported stock, without marking

packages, unless inspected, prohibited..... 232

Without notification unless inspected, prohibited..... 230

PLANTS—Continued

Diseases, etc.—Continued

Nursery stock—Continued

Section.

Interstate shipment or transportation from quarantined locality, prohibition.....	236
Regulations for inspection, disinfection, certification, and method and manner of interstate shipment.....	236
Person construed.....	239
Plant Quarantine Act.....	229-242
Quarantine of States, etc.....	236
Hearing.....	236
Notice.....	236
Regulations for carrying out act.....	237
Regulations for inspection, disinfection, certification, and method and manner of interstate shipment of plants, etc.....	236
Hearing.....	236
Notice.....	236
Violation of act, duty of district attorneys to prosecute.....	238
Punishment.....	238
Distribution of, by Agricultural Department.....	1, 74-76
Insect pests, depositing in or taking from mails, punishment.....	247
Interstate transportation, etc., scientific purposes, prohibited.....	246
Letters, etc., packages containing, nonmailable, except for scientific purposes.....	247
Regulations for mailing, transportation, etc., for scientific purposes.....	248
Violations of act, punishment.....	248
Importation of, by Agricultural Department exempt from duty.....	70
Purchase and distribution of, by Agricultural Department.....	75, 76
State terminal inspection of plants, etc., transmitted in mails, co-operation by post-office authorities.....	243-245
Depositing in mails packages of plants, etc., addressed to States maintaining inspection, without marking as to contents, unlawful.....	244
Punishment.....	244
Regulations for carrying out provisions.....	245
PLUMAS NATIONAL FOREST	
Certain lands added to.....	p. 735
POCATELLO NATIONAL FOREST	
Certain lands added to.....	669
POLITICAL CONTRIBUTIONS	
Immunity of Civil Service employees.....	927
Soliciting, receiving, etc.....	1087, 1093-1097
POLYGAMY	
Disqualification for office.....	938
PORTO RICO	
Agricultural experiment station, sale of products from.....	66, p. 716
Exportation of tick-infested cattle from Virgin Islands into.....	193
Importation of tick-infested cattle, slaughter.....	193
Leaves of absence to employees of Agricultural Department in.....	27, 28
PORTRAITS	
Impressions furnished by Secretary of Treasury at request of heads of departments, etc.....	1306
POST ROADS	
(See <i>Highways</i> .)	
POTASSIUM	
Prospecting permits and leases of lands.....	754-766
POTASH LANDS	
Entry under nonmineral.....	750-752
POTOMAC PARK	
Temporary occupation by Agricultural Department of areas in.....	44
POWER OF ATTORNEY	
Forgery, etc.....	1270
Fraudulent demand by.....	1273
Having in possession.....	1271
PRESENTS	
(See <i>Gifts</i> .)	

PRESIDENT

Section.

Advances to delinquent departments, order-----	1204
Appointments by, Assistant Secretary of Agriculture-----	3
Chief of Weather Bureau-----	150
Civil Service Commission-----	926
Comptroller General and Assistant-----	1198
Director of Budget and Assistant-----	1144
Employees Compensation Commission-----	1059
Secretary of Agriculture-----	2
Assistant-----	3
Budget, recommendations accompanying-----	1140
Transmission to Congress-----	1139
Civil service, regulations for admission to-----	924
Deficiency or supplemental estimates, transmission to Congress-----	1141
Detail of employees of departments to office of-----	995, p. 738
Discretionary authority to fill temporary vacancies in headships of departments, etc-----	916
Historic landmarks, etc., reservation as national monuments-----	601
Hours of labor on public works, waiver of provisions of law-----	1368
Inauguration, use of public building buildings for, restricted-----	1320
Inauguration day, holiday in District of Columbia-----	958
Land acquired for protection of watersheds, designation of areas to be set aside for protection of game and fish-----	643
Migratory game and insectivorous birds, regulations for protection of-----	470
Mothers' Day, observance-----	1321, 1321a
National Forests, designation of areas in to be set aside for protection of game-----	583, 586, 590, 643
Establishment-----	536
Within certain Government reservations-----	p. 734
Modification or vacation of orders establishing-----	549
Revocation, modification, or suspension of orders and proclamations-----	538
Public lands, withdrawal and reservation for public purposes-----	748
Reports to, heads of departments as to condition of business-----	945
Secretary of Agriculture-----	110
Retirement of civil service employees, inclusion in and exclusion of employees from operation of act-----	1070
Sale or lease through heads of departments of real property acquired for storage purposes for Army-----	1334
Sale through heads of departments of war supplies, etc.-----	1302
Suspension of importation, adulterated articles of food and drink-----	263
Livestock from infected countries-----	191
Timber of United States in Florida, protection-----	607
Utilization of departments in connection with Army reserve organizations-----	1125

PRINTING AND BINDING

(See *Documents; Government Printing Office; Publications; Public Printer; Reports.*)

Appropriations to which cost charged-----	1422
Debiting cost-----	1420
Exceeding appropriation prohibited-----	1417
Other appropriations not to be used-----	1157
Reimbursement for cost of reprinting documents for sale by Superintendent of Documents-----	1427
Use for illustrations, etc., restrictions-----	1413
Bills and resolutions of Congress, copies sent to departments by Public Printer-----	1454
Binding for departments-----	1410
Bulletins, Agricultural Department, number of copies-----	118
Weather Bureau, number of copies-----	118
Restrictions not applicable-----	157a
Catalogue of Government publications-----	1440
Certificate of necessity-----	1420
Charts, Weather Bureau, number of copies-----	118
Restrictions not applicable-----	157a
Congressional Directory, distribution-----	1450
Decisions of Comptroller of Treasury, number of copies, distribution-----	1446

PRINTING AND BINDING—Continued	Section.
Department printing offices, control by Public Printer	1407
Restrictions on	1409
Distribution of Government publications	1433, 1434
By Public Printer	1434
Documents, appropriations to which cost charged	1422
Estimate of cost	1422
Heads of departments, etc., to deliver to Superintendent of Public Documents a copy of each document published	1439
Illustrations printed at same time	1421
Not to be printed if not relating to ordinary business transactions and unless authorized by Congress	1414
Not to be printed unless authorized by law and necessary to public business	1412
Not to be printed until illustrations or maps ready	1421
Number of copies	1418
Reprinting for sale by Superintendent of Documents, approval of head of department	1427
Reimbursement of appropriation	1427
Sale by Superintendent of documents	1438
Submitted by departments in response to inquiries from Congress, estimate of cost	1426
Two or more editions	1425
Envelopes	1157
Estimate of cost, departments, etc., to obtain from Public Printer	1420, 1422
Reports or documents submitted by heads of departments in response to inquiries from Congress	1426
Estimates for, heads of departments	1156, 1157
Public Printer, notification to heads of departments	1406
Farmers' bulletins	112, 113, p. 716
Form and style of work for departments	1423
Government Printing Office, all printing and binding to be done at	1411, 1415
Illustrations, accompanying documents or reports, printed at same time	1421
Annual report of Secretary of Agriculture, supervision of execution	111
Annual reports, exclusion of unnecessary	1412
Appropriation to which cost charged	1422
Restrictions on use of appropriations for	1413
Index of public documents	1439
Joint Committee on Printing to remedy neglect, delay, etc	1415
Journals, magazines, periodicals, etc., restrictions	1415, 1416
Machinery, etc., supplies, transfer to Government Printing Office	1408
Maps, accompanying documents or reports, printed at same time	1421
Weather Bureau, number of copies	118
Restrictions not applicable	157a
Monthly Crop Report, number of copies	118
Neglect, delay, duplication, or waste to be remedied by Joint Committee on Printing	1415
Not bearing Congressional number, distribution of copies	1436
Not to be done unless authorized and necessary	1410, 1412, 1414
Not to exceed appropriation	1417
Official Register	1452, 1453
Orders for printing not to be acted upon unless entire copy and illustrations furnished within year	1421
Other appropriations not to be used for	1157
Publications, catalogue of	1440
Copyright, not subject to	1461, 1462
Distribution	1433, 1434
Estimate of cost obtained from Public Printer	1422
Not bearing Congressional number, distribution of	1436
Number of copies	1418
Orders by departments to Public Printer for copies of	1454
Printed elsewhere than at Government Printing Office, copies supplied Library of Congress	1437
Report by heads of departments of number and cost	1137
Sale of duplicate plates of	1461

PRINTING AND BINDING—Continued

	Section.
Reports, Agricultural Department, number of copies.....	118
Annual, agricultural experiment stations and cooperative agricultural extension work, number of copies, distribution.....	127
Bureau of Animal Industry, number of copies.....	111
Chief of Weather Bureau, number of copies.....	111
Chiefs of bureaus, etc., heads of departments to direct whether to be printed.....	1419
Number of copies.....	1418
Type and form.....	1424
Exclusion of unnecessary matter.....	1412
Heads of departments, number of copies, binding.....	1418
Secretary of Agriculture, division into parts.....	111
Illustrations.....	111
Number of copies.....	111
Time of furnishing copy.....	1136, 1136a
Appropriations to which work charged.....	1422
Estimate of cost.....	1422
Field operations of Division of Soils of Agricultural Department, number of copies, distribution.....	128
Illustrations, etc., restrictions on use of appropriations for.....	1413
Limitation on number of copies without authority of Congress.....	1418
Monthly Crop Report, number of copies.....	118
Not to be printed until illustrations and maps ready.....	1421
Not to be printed without authority or necessity.....	1412, 1414
Progress of beet sugar industry, number of copies, distribution.....	129
Publication within discretion of Secretary of Agriculture.....	129
Special Report on Diseases of Cattle, number of copies.....	1427
Special Report on Diseases of the Horse, number of copies.....	111, 1427
Submitted by departments, etc., in response to inquiries from Congress, estimate of cost.....	1426
Two or more editions.....	1425
Weather Bureau, number of copies.....	118
Requisition for by heads of departments.....	1417, 1420
Revised Statutes and Supplement, distribution.....	1447
Stationery.....	1157
Statutes at Large, copies for Agricultural Department.....	72
Index to, distribution.....	1448
Pamphlet edition of, copies for Agricultural Department.....	71
Weather Bureau, annual report of chief, number of copies.....	111
Maps, bulletins, etc., number of copies.....	118
Restrictions on printing by branches of Government service not applicable to.....	157a
Special printing office.....	157, 157a, 1407, p. 719

PROCESS BUTTER

(See *Renovated Butter*)

PROCLAMATION

Declaring historic landmarks, etc., national monuments.....	601
Establishing national forests.....	536
Revocation, modification, or suspension.....	538
Mothers' Day.....	1321
Publication.....	1341
Suspension of importation of adulterated articles of food or drink.....	263
Suspension of importation of livestock from infected countries.....	191

PROMOTION

(See *Employees*)

Agricultural Department, classified laborers transferred from lump funds to statutory rolls.....	17
Salaries paid out of lump funds.....	14
Civil-service examination.....	931
Classification Act.....	938g
Employees in classified service, efficiency ratings.....	969
Officers and clerks in classified service, examinations.....	931
Weather Bureau, employees transferred from Signal Service.....	152

PROPERTY

Agricultural Department, account of sale.....	43
Custody.....	41
Inventory.....	43

PROPERTY—Continued

Section.

Agricultural Department—Continued

Sale of condemned property	63
Arms and ammunition for protection of	1300
Destruction, etc., on lands set apart as refugees for birds or animals	p. 723
Embezzlement	1277, 1290
Inventories by heads of departments	43
Losses of, certification	1209, 1210
Proceeds of, deposit in Treasury	1230, 1231
Payment of expenses of sales from	1231
Statement of and payments therefrom	1171, 1172
Regulations for custody, use, and preservation	913
Returns	1209-1212
Regulations for carrying out provisions	1212
Robbery	1307
Statement of proceeds of	1171-1173
Stealing	1274, 1277
Receiving stolen	1278
Trading in	1292
Transportation over land-grant railroads, payment	1308
Transportation through Quartermaster-General of Army	1309

PROPOSALS

(See *Bids.*)

PUBLICATION

Advertisements, etc	1339-1344
In District of Columbia	1339-1341, 1343
Payment for without written authority prohibited	1344
Publication without written authority prohibited	1344
Comprehensive index of public documents	1439
Newspaper or magazine articles, use of Forest Service appropriations for prohibited	35
Notices, judgment of court as to adulterated or misbranded food or drugs	269
Judgment of court as to adulterated or misbranded insecticides or fungicides	253
Livestock quarantine	173, 181, 183
Plant quarantine	236
Restoration to public domain of national forest lands	548
Sale of timber on national forests	542
Official Register	1452, 1453
Proclamations	1339, 1341
Seeds, adulteration or misbranding	228
Warehouses for storage of agricultural products, results of investigations	340
Licensed warehouses	340
Warehousemen failing to perform duties, findings	338

PUBLICATIONS

(See *Bulletins; Documents; Printing and Binding; Reports.*)

Agricultural Department, sale of card index of	60
Sale of worthless publications as waste paper	69
Catalogue of, by Superintendent of Documents	1440
Compliments of officer not to be sent with	1435
Copyright, not subject to	1461, 1462
Distribution, by departments	1433
Duty transferred to Public Printer	1434
Employment of persons in departments for, terminated	1434
Mailing lists, etc., for furnished by departments to Public Printer	1434
Money not to be used for work of distribution in departments	1434
Transfer of machines, equipment, and materials from departments to Public Printer	1434
Free public use of publications delivered to depositories	1457
Libraries of departments constituted depositories	1445
Order by departments to Public Printer for	1454
Ownership of Government publications furnished officers for official use	1457

PUBLICATIONS—Continued

	Section.
Printing, department publications not bearing Congressional number, copies delivered to Superintendent of Documents.....	1436
Estimates of cost to be obtained by departments from Public Printer.....	1422
Publications printed elsewhere than at Government Printing Office, copies supplied to Library of Congress.....	1437
Report by heads of departments of number issued and cost.....	1137
Without authority of Congress, limitation on number of copies.....	1418
Sale of duplicate plates.....	1461
Weather Bureau, printing, number of copies.....	118
Printing, restriction not applicable.....	157a
Sale of surplus.....	159

PUBLIC BUILDINGS COMMISSION

Control of and allotment of space in buildings owned or leased by Government in District of Columbia.....	1317
Creation, composition, vacancies, etc.....	1317

PUBLICITY EXPERTS

Money not to be used for compensation of unless specifically appropriated.....	992
--	-----

PUBLIC LANDS

(See *National Forests*)

Antiquities, preservation of.....	600-603
Asphaltic mineral lands, entry under nonmineral laws.....	750-752
Breaking fences, etc., driving cattle, etc., on.....	605
Building-stone lands, entry under placer mining laws.....	741
Coal land, leases.....	767-774, 793-805
Gas lands, entry under nonmineral laws.....	750-752
National forests.....	536-910a, pp. 729-736
Nitrate lands, entry under nonmineral laws.....	750-752
Obstruction of settlement on or transit over.....	596 597
Oil and gas lands, leases.....	767, 779-787, 793-805
Oil lands, entry under nonmineral laws.....	750-752
Entry under placer-mining laws.....	745
Oil or gas lands, patents, disposition of oil or gas or proceeds thereof pending application.....	747
Transfer of lands before discovery.....	746
Oil shale lands, leases.....	767, 793-805
Phosphate lands, entry under nonmineral laws.....	750-752
Leases.....	767, 775-778, 793-805
Validation of claims under placer-mining laws.....	753
Potash lands, entry under nonmineral laws.....	750-752
Potassium, exploration for and disposition of.....	754-766
Preservation of antiquities.....	600-603
Rights of way, canals, ditches, etc.....	836-840, 842
Electric plants, poles and lines.....	842, 844
Electric power companies.....	841
Pipe lines for oil or gas.....	795
Railroad companies.....	806-811, 813, 814
Telegraph and telephone lines.....	845-847
Telephone and telegraph poles and lines.....	842
Saline lands, entry under placer-mining laws.....	714
Sodium lands, leases.....	767, 790, 793-805
Survey marks, destroying, etc.....	604
Timber, cutting, etc.....	606, 611-618
Boxing, etc., for turpentine.....	620
Fires, falling to extinguish.....	622
Setting.....	621
Liveoak or red cedar, cutting, etc.....	608, 611
Vessels carrying.....	609, 610
Protection in Florida.....	607
Timber and stone lands, sale.....	740
Unlawful inclosure or occupancy.....	594
Decree for destruction of inclosure.....	595
Observation of settlement or transit over lands.....	596, 597
Removal of inclosure.....	598
Suits for violations.....	595, 599
Violation, punishment.....	597

PUBLIC LANDS—Continued	Section.
Use of materials for telegraph lines	846
Withdrawal from settlement, location, sale, or entry, for public purposes	748, 749
PUBLIC PRINTER	
(See <i>Government Printing Office; Printing and Binding</i>)	
Annual reports of heads of departments, time for furnishing copy	1136, 1136a
Annual report of Secretary of Agriculture, supervision of execution of illustrations	111
Appointments by, employees in department printing offices	1407
Superintendent of Documents	1438
Bills and resolutions of Congress, copies sent departments as soon as printed	1454
Blanks for orders for work in department printing offices prepared by	1417
Congressional Record, copies furnished department libraries	1451
Control of department printing offices	1407
Debiting of cost of printing and binding to departments	1420
Decisions of Comptroller of Treasury, printing and distribution of copies by	1446
Distribution of copies of publications not bearing Congressional number	1436
Distribution of publications to be done by	1434
Documents, copy of each printed to be delivered to Superintendent of Documents	1439
Documents and reports of departments not to be printed until illustrations and maps ready	1421
Estimates, cost of printing or binding for departments to be furnished by	1420
Cost of publications of departments to be obtained from	1422
Submission to Congress	1406
Form and style of work for departments determined by	1423
Franks for seeds, furnished Agricultural Department by	73
Index to Statutes at Large, printing and distribution by	1448
Mailing lists, etc., for distribution of department publications to be furnished to	1434
Machinery and material for department printing offices furnished by	1407
Machinery, material, equipment, and supplies for printing and binding, requisition by	1408
Machines, equipment, and materials used in distribution of publications, transferred to	1434
Manifold blanks, etc., for duplicating processes, to be supplied to departments by	1428
Orders for printing not to be acted upon unless entire copy and illustrations furnished within year	1421
Orders upon, by departments for copies of publications required	1454
Paper and material for department printing offices supplied by	1407
Printing not to be done by unless authorized and necessary	1412
Report by, of cost of operating department printing offices	1407
Report to, machinery, material, equipment, and supplies for printing and binding in possession of Government officers	1408
Work and cost thereof done in department printing offices	1407
Requisition by, of machinery, material, equipment, and supplies from Government officers	1408
Requisitions upon, for printing documents or reports for departments in two or more editions	1425
Requisitions upon, for manifold blanks, etc., required in duplicating processes in departments	1428
For printing documents or reports of departments in two or more editions	1425
For printing for departments, to be filed with	1417
Sale of duplicate plates	1461
Stationery to be furnished departments, reimbursement	p. 742
Supplies to be furnished departments	1428
For department printing offices	1407

PUBLIC WORKS

Section.

(See *Buildings and Grounds; Contracts*)

Bonds of contractors.....	1369
Contracting beyond specific appropriation, punishment.....	1362
Contracts not to exceed appropriations.....	1361
Estimates, requisites.....	1161
Estimates for lump-sum appropriations, statements in.....	1169
Hours of labor.....	1365-1366a

QUARANTINE

(See *Animals and Animal Industry; Plants*)

RADIOTELEGRAPHS

Collection of forwarding charges due connecting radio companies for transmission of Government radiograms.....	1336a
Transfer from any department, etc., to Navy Department of land selected for sites for radio stations.....	1335
Use of Government radio stations for transmission of official messages.....	1336

RAILROADS

(See *Common Carriers; Rights of Way*)

Animals in transit, care of.....	196-200
Notice to, of localities infected with diseases of livestock.....	173
Notice to, of quarantine of State, etc., for diseases of livestock.....	181
Rights of way, act not applicable to lands reserved from sale.....	810
Canyons, etc., common use by several railroads.....	807
Grant.....	806
Ground for stations, etc.....	806
Maps, filing.....	809
Materials of construction.....	806
National forests, filing and approval of surveys.....	812
Right to alter, amend, or repeal act.....	811
Transportation of diseased livestock.....	172, 173
Transportation of livestock from quarantined State, etc.....	182-186

RANGERS

Forest rangers, selection.....	578
--------------------------------	-----

RANIER NATIONAL FOREST

Exchange of timber or lands in national forests of Washington for lands not in Government ownership within Ranier National Forest.....	723, 723a
Reservation of lands within for municipal water supply.....	910

RAPE SEED

Importation of seed adulterated or unfit for seeding.....	222-227
---	---------

RECEIPTS

(See *Money*)

Deposits of public moneys, duplicates.....	1234
Forgery, etc.....	1270
Having in possession.....	1271
Warehouse Act.....	331, 332, 334-336, 344

RECORDING CLOCKS

Use prohibited in departments.....	948
------------------------------------	-----

RECORDS

Agricultural Department, custody.....	41
Departments, access to by Bureau of Efficiency.....	973
Access to by Comptroller General.....	1216
Copies as evidence.....	1463
Furnishing to Federal Power Commission.....	106
Furnishing to Federal Trade Commission.....	1129a
Regulations for custody.....	913
Destruction, etc.....	1459
By custodian.....	1460
Embezzlement, etc.....	1277
False entry in.....	1280
Falsification, etc.....	1460
Forgery, etc.....	1269
Having in possession, etc.....	1269
Grain inspections.....	297

RECORDS—Continued	Section.
Receiving stolen, etc.....	1278
Stealing, etc.....	1277, 1459
War agencies, transfer to departments, etc.....	1466
REGULATIONS	
Accounts, administrative examination of.....	1208
Examination and settlement of.....	1208
Antiquities, preservation of.....	603
Birds and animals, importation of.....	465
Civil service, admission to.....	924
Examinations.....	927
Cotton Futures Act, cancellation of stamps.....	389
Classification of cotton in settlement of contracts.....	383
Collection of tax.....	391
Cotton Standards Act.....	290jj
Dairy products for exportation, inspection of.....	218
Departmental regulations.....	913
Deposits of coal, phosphate, sodium, oil, oil shale, and gas, carrying out act for disposition of.....	799
Deposits of potassium, carrying out act for disposition of.....	764
Eggs of game birds for propagation, importation of.....	453, 454
Employees Compensation Act, enforcement of.....	1062
Food and Drugs Act, carrying out.....	268
Game animals and birds in Alaska, protection of.....	485
Game and other wild birds, preservation, etc., of.....	82
Grain Standards Act, execution of.....	298
Highways, Federal Aid Act, carrying out.....	502
Federal Highway Act, carrying out.....	528
Insecticide Act, carrying out.....	252
Insect pests, mailing, interstate shipment, etc.....	243
Livestock, accommodations of vessels for export cattle.....	201, 202
Destruction of diseased animals, disinfection, etc., in District of Columbia.....	174
Determination of purity of breeding and of identity of imported animals.....	203
Exportation and transportation with respect to contagious, etc., diseases.....	170, 178
Importation of animals for breeding purposes.....	203
Importation of neat cattle, etc.....	195
Importation of tick-infested cattle.....	193
Interstate transportation, etc., from quarantined districts.....	183
Prevention of introduction or dissemination of contagious, etc., diseases of animals.....	179
Reshipment interstate of cattle shipped for breeding or feeding purposes and that have reacted to tuberculin test.....	176
Suppression of contagious, etc., diseases of animals.....	169
Meat inspection.....	204, 206, 211, 212 (1, 6, 19), 217
Migratory birds, taking, etc.....	473
Migratory game and insectivorous birds, protection.....	470
National forests, egress and ingress of settlers.....	544
Lease of spaces for sanitariums, hotels, etc.....	560
Occupancy, use, and preservation.....	541
Sale of timber on.....	542, 552
Taking earth, stone, and timber for use of Navy and Alaskan railways.....	558
Use of earth, timber, and stone for irrigation works.....	554
Use of timber and stone by settlers, etc.....	543
Use of waters on for domestic, etc., purposes.....	547
Nursery stock, importation of.....	229, 242
Interstate transportation of from quarantined district.....	236
Packers and Stockyards Act, carrying out.....	377
Penal bonds, acceptance of United States bonds in lieu of.....	981a, p. 737
Plant Quarantine Act, carrying out.....	237
Plants, etc., cooperation by post-office authorities in State terminal inspection of.....	245
Property returns, carrying out act.....	1212

REGULATIONS—Continued

	Section.
Renovated butter, inspection of.....	219
Rights of way on national forests for dams, reservoirs, etc., canals for municipal or mining purposes.....	843
Rights of way on public lands and forest reservations to electric power companies.....	841
Rights of way on public lands, forest, etc., reservations for electric plants, telephone and telegraph purposes, and canals, ditches, etc.....	842
Rights of way on public lands, national forests, etc., for electrical and telephone and telegraph poles and lines.....	844
Sale of homesteads on lands acquired for protection of watersheds.....	633
Seeds, prevention of importation of seeds adulterated or unfit for seeding.....	222
Standards for containers for small fruits and vegetables, reasonable tolerances and variations.....	306
Tea, importation of.....	80, 281
Telegraph lines connecting Capitol and departments, operation of.....	1326
Timber on public lands, cutting for certain purposes.....	614-616
Upper Mississippi River Wild Life and Fish Refuge.....	p. 724
Viruses, serums, etc., for domestic animals, prevention of preparation, sale, shipment, etc., of worthless, etc.....	221 (4)
Warehouse Act, execution of.....	342
Washington Market Co., management and control of property.....	89

REINDEER

Provisions of meat inspection law extended to.....	214
--	-----

REMOVAL FROM OFFICE

(See *Dismissal*)

Civil service.....	974
Grounds, attempting to influence Member of Congress as to legislation.....	1098
Exchanging public funds.....	1262
Expenditures beyond appropriations.....	1177
Interest in Indian contracts.....	1374
Trading in public funds or property.....	1292
Unlawful employment of officers, clerks, or employees.....	986
Violation of civil service laws.....	969
Withholding public money.....	1232
Officers suing or sued in official capacity.....	921

RENOVATED BUTTER

Deleterious or unwholesome materials used in manufacture, ascertainment, confiscation.....	219
Factories, sanitary inspection.....	219
Sanitary provisions of Meat Inspection Act applicable to.....	220
Inspection.....	219
Marks, etc.....	219
Punishment for violation of provisions.....	219
Regulations.....	219
Shipments or transportation interstate or to foreign country without marking prohibited.....	219

RENT

(See *Leases*)

Buildings, statement in estimates.....	1163
Buildings in District of Columbia, Agricultural Department, statement in estimates.....	147
Contracts for not to be made until appropriation made in terms.....	1358
Instead of others rented.....	1359
Statement in estimates.....	1163-1166
Copies of films, Agricultural Department.....	65
Spaces in national forests for sanitariums and hotels.....	560
Storage accommodations in District of Columbia.....	1360

REPORTS

(See *Documents; Estimates; Printing and Binding; Publications*)

Agricultural colleges, condition and progress, etc.....	417
Amounts of appropriations received and disbursement.....	416
Cooperative agricultural extension work, amounts of appropriations received and disbursement.....	425
Operations, receipts and expenditures.....	426

REPORTS—Continued

	Section.
Agricultural colleges—Continued	
Transmission in mails free	430
Agricultural Department, completed investigations	143, 144
Cotton crop reports	114, 119–123, pp. 716–719
Diseases of Cattle, printing, number of copies, sale	1427
Diseases of the Horse, printing, number of copies, distribution, sale	111, 1427
Duplicated services	144
Exchanges of passenger-carrying vehicles	56
Expenditures	138, 139
Field operations of Division of Soils, advance sheets, printing, number of copies, distribution	128
Monthly crop reports	114, 116, 118
Payments to officers employed by States, etc., in carrying out Food and Drugs Act	141
Printing, Secretary of Agriculture to determine number of copies	118
Progress of beet sugar industry, printing, number of copies, distribution	129
Purchase, maintenance, etc., of passenger-carrying vehicles	142, p. 719
Suppression of contagious, etc., diseases of animals	140
Transmission through mails free	77
Work and expenditures of agricultural experiment stations and of Department in connection therewith and on cooperative agricultural extension work and expenditures of Department and agricultural colleges, printing and distribution of copies	127
Agricultural experiment stations, amounts of appropriations received and disbursement	443
Operations, receipts and expenditures	433, 444
Publication and distribution	434
Transmitted in mails free	434
Bureau of Animal Industry, annual report, number of copies, distribution	111
Bureau of Efficiency	971, 972
Chief clerks, defects in arrangement or dispatch of business	967
Chiefs of bureaus, etc., heads of departments to direct whether to be printed	1419
Number of copies, binding	1418
Type and form	1424
Chief of Weather Bureau, annual report, number of copies, distribution	111
Civil Service Commission	927 (4, 5), 970
Commissioner of Pensions, receipts and disbursements under Civil Service Retirement Act	1082
Compliments of officer not to be sent with	1435
Comptroller General	1215
Condition of business in departments	945
Consuls, etc., agricultural and horticultural yields in foreign countries	116
Agricultural implements and agricultural and horticultural pursuits in foreign countries	117
Cotton crop reports of Agricultural Department	114, 119–123, pp. 716–719
Condition of crop, time of issue	114
Discontinuance of acreage reports based on intention to plant	p. 716
Estimate of total production, issuance	119
Number of acres in cultivation, issuance	119
Publication of Census statistics	122, 123, pp. 717, 718
Semimonthly reports as to condition, progress, and probable production	pp. 716, 717
Approval and release	p. 716
Issuance	p. 716
Time of issue	p. 719
Crop reports of Agricultural Department	114–116, 118–123, pp. 716–719
Cotton	114, 119–123, pp. 716–719
Giving advance information	1106
Issuing false reports	1107

REPORTS—Continued

Crop reports of Agricultural Department—Continued		Section.
Monthly	114-116, 118	
Approval	114	
Contents	114	
Information obtained through consuls, etc., embodied in	116	
Time of issue	114	
Monthly Crop Report, printing, number of copies	118	
Time of printing and distribution	115	
Delinquencies in rendering accounts	1205	
Exchanges of typewriters, etc.	1353	
Executive officers, exclusion of unnecessary matter	1412	
Type and form	1424	
Failure of officer to make as required	1291	
Grain standards inspectors to Secretary of Agriculture	298	
Heads of departments, extracts from in estimates	1174	
Number of copies, binding	1418	
Time of furnishing copy to Public Printer	1136, 1136a	
Time of completion	1137	
Time of making	1135	
Condition of business	945	
Department printing offices, work and cost thereof done in	1407	
Employees in non-pay status	1082	
Expenditures of contingent funds	1132, 1133	
Inefficient employees	1159	
Publications issued	1137	
Travel by officers and employees	1134	
Useless papers	1464, 1465	
Hours of labor on public works, violations of provisions	1367	
Illustrations, printing at same time required	1421	
Restrictions on use of appropriations for printing and binding for	1413	
Injuries to employees, superiors to make	1056	
National Forest Reservation Commission	628	
Orders by departments to Public Printer for	1454	
Printing, annual reports, Bureau of Animal Industry, number and distribution of copies	111	
Annual reports, Chief of Weather Bureau, number and distribution of copies	111	
Executive officers, type and form	1424	
Heads of departments, number of copies	1418	
Secretary of Agriculture, illustrations	111	
Number and distribution of copies	111	
Parts	111	
Time of furnishing copy to printer	1136, 1136a	
Appropriations to which cost to be charged	1422	
Estimate of cost required with reports submitted in response to Congressional inquiries	1426	
Extra copies, binding	111	
Heads of departments to determine whether reports of chiefs of bureaus, etc., be printed	1419	
Illustrations, restrictions on use of appropriations for	1413	
Minor reports of Weather Bureau, number of copies	118	
Monthly crop report, number of copies	118	
Not to be printed until illustrations ready	1421	
Two or more editions	1425	
Without authority of Congress, limitation on number of copies	1418	
Printing and binding machinery, etc., supplies not required or authorized to be reported to Public Printer	1408	
Public Printer, cost of operating department printing offices	1407	
Removal of office, cost	1138	
Secretary of Agriculture, agricultural experiment stations, expenditures of	452, p. 723	
Agricultural experiment stations, receipts, expenditures, and work of	446	

REPORTS—Continued

Secretary of Agriculture—Continued

Section.

Annual report	110, 138, 139
Division into parts	111
Expenditures	110, 138, 139
Illustrations for, supervision	111
Inclusion of information obtained through consular officers	117
Printing, number of copies, distribution	111
Completed investigations	143, 144
Contributions received toward cooperative work in forest investigations	570
Cooperative agricultural extension work between department and agricultural colleges, receipts, expenditures, and results of	428
Duplicated services	144
Exchanges of passenger-carrying vehicles	56
Expenditures	110, 138-140
Grain futures transactions	408
Grain markets	408
Highways, construction under Federal aid	529
National Forest Reservation Commission, reports to	629
Packers and Stockyards Act, violations	374
Purchase, maintenance, etc., of passenger-carrying vehicles	142, p. 719
Quantity and value of earth, stone, and timber taken from national forests for use of Navy and Alaskan railways	558
Refunds of amounts erroneously collected, etc., on account of national forests	569
Roads and trails in national forests, expenditures for construction of	573, 573a
Samples of seed and grain	85
Seeds purchased for distribution	76
Special reports	110
Suppression of contagious, etc., diseases of domestic animals	140
Washington Market Co. property, revenues and expenditures	89
Supreme Court Reports, distribution of copies	73
Useless papers in departments	1464, 1465
Warehousemen to Secretary of Agriculture	337
Weather Bureau, annual report, number of copies, distribution	111
Minor reports of, Secretary of Agriculture to determine number of copies	118

REQUISITIONS

Departments on Public Printer, manifold books, etc., required in duplicating processes	1428
Printing and binding	1417, 1420
Documents or reports in two or more editions	1425
Public Printer on Government officers having printing, binding, etc., machinery and supplies not required or authorized	1408

RESERVATIONS

(See *Birds; Easements; Game; National Forests; Public Lands; Rights of Way; Wild Animals*)

RESERVOIRS

(See *National Forests; Rights of Way*)

RESIGNATIONS

Civil service, notice	927
Filling vacancies in office temporarily	914-918
Officers suing or sued in official capacity	921

RETIREMENT

(See *Employees*)

Civil-service employees	1070-1084g
Officers suing or sued in official capacity	921

RETURNS

(See *Money; Reports*)

Officer failing to make as required	1291
Public property	1209-1212

REVISED STATUTES

(See *Statutes at Large*)

Printing, binding, and distribution	1447
References to in estimates of appropriations	1155
Supplement, printing, binding, and distribution	1447

RIGHTS OF WAY

(See *National Forests*)

	Section.
Canals, ditches, etc.....	836-843
Forest reserves.....	843
Forfeiture of rights.....	838
Irrigation or drainage.....	836
Liability for damages to settlers.....	837
Location not to interfere with Government occupation.....	836
Maps.....	837
National forests.....	842, 843
Permits, approval.....	842
Revocation.....	842
Provisions applicable to existing and future canals, etc.....	838
Public lands and reservations.....	836-840
Public lands, forest and other reservations.....	842
Right to take materials for construction.....	836
State control of water not affected.....	836
Use, canal or ditch purpose only.....	839
Development of power.....	840
Domestic purposes.....	840
Irrigation.....	836, 842
Manufacturing or cutting timber or lumber.....	842
Mining, etc., purposes.....	842, 843
Municipal purposes.....	843
Public purposes.....	840
Water supply.....	842
Water transportation.....	840
Dams, etc., forest reserves.....	842
Public lands, forest and other reservations.....	842
Ditches, canals, etc., forest reserves.....	842, 843
Public lands and reservations.....	836-840
Public lands, forest and other reservations.....	842
Electric power companies upon public lands and forest reservations.....	841
Electrical plants, etc., through public lands, forest and other reservations.....	842
Permits, approval, revocation.....	842
Electrical poles and lines, public lands, national forests, etc.....	842, 844
Approval.....	844
Forfeiture.....	844
Previous permittees.....	844
Flumes, etc., forest reservations.....	843
Public lands and reservations.....	836-840
Highways over national forests, filing and approval of surveys.....	812
Lands acquired for protection of watersheds.....	632
Lands containing coal, phosphate, sodium, oil, oil shale, and gas, reservation in leases.....	796
Lands containing potassium, reservation in permits, etc.....	759
Pipe lines through public lands and national forests for transportation of oil or gas derived from leased lands.....	795
Pipes and pipelines, forest reserves.....	843
Public lands, forest and other reservations.....	842
Railroads, condemnation of lands.....	808
Forest reservations and reservoir sites.....	812
Forfeiture of rights.....	809, 813, 814
Grant.....	806
Map of location, filing and approval.....	809
Provisions not applicable to lands reserved from sale.....	810
Public lands.....	808-811, 813, 814
Right to take material for construction.....	806
Several roads through canyons, etc.....	807
Surveys, filing and approval.....	809, 811
Reservoirs, etc., forest reserves.....	843
Public lands and reservations.....	836-840
Public lands, forest and other reservations.....	842
Telegraph lines through public domain.....	845
Right to take material for construction.....	846
Rights granted not transferable.....	847

RIGHTS OF WAY—Continued	Section
Telephone and telegraph lines.....	842, 844
Approval.....	844
Forfeiture.....	844
Permits, approval.....	842
Revocation.....	842
Subject to conditions.....	842
Previous permittees.....	844
Public lands, forest and other reservations.....	842
Public lands, national forests, and reservations.....	844
Water conduits, etc., through public lands, forest and other reser- vations.....	842
Water plants, etc., forest reserves.....	843
Public lands, forest and other reservations.....	842
ROADS	
(See <i>Highways</i>)	
ROADS AND TRAILS	
(See <i>Highways; National Forests</i>)	
ROBBERY	
Personal property of United States.....	1307
ROOTS	
(See <i>Plants; Seeds</i>)	
ROSIN	
(See <i>Naval Stores</i> .)	
RULES AND REGULATIONS	
(See <i>Regulations</i> .)	
RURAL POST ROADS	
(See <i>Highways</i> .)	
RYE	
Importation of seeds adulterated or unfit for seeding.....	222-227
SAILORS	
(See <i>Military and Naval Service</i> .)	
Preferences to honorably discharged, appointments to clerical, etc., positions in departments.....	937
Labor on rural post roads.....	503
Labor on roads and trails in national forests.....	573a
Reductions of forces in departments.....	965, 969
SALARIES	
(See <i>Compensation; Employees; Officers</i>)	
Additional pay, etc., prohibited.....	1012
Additional compensation to civilian employees.....	1016-1016f
Agricultural Department, payment of increased salaries from lump- sum appropriations.....	15
Assignment.....	29
Changes in, payment out of lump-funds.....	14
Employees.....	9
Employees engaged in cooperative activities, payment from out- side sources.....	37
Maximum rate for scientific investigators, etc.....	18
Payment from roll of bureau, etc.....	20
Rates specified.....	19
Appointees to vacancies during Senate recess.....	920
Apportionment for part of year's service.....	1010
Appropriations, unused, disposition.....	985
Appropriations of lump-sum not available for increased salaries.....	1002
Assistant chemist, Agricultural Department.....	8
Assistant Secretary of Agriculture.....	4
Assistant superintendent of experimental gardens and grounds, Agri- cultural Department.....	8
Assistant superintendent of seed room, Agricultural Department.....	8
Attendants in museum, Agricultural Department.....	8
Botanist, Agricultural Department.....	8
Carpenter, Agricultural Department.....	8
Chemist, Agricultural Department.....	8
Chief of Bureau of Animal Industry.....	163
Chief of Weather Bureau.....	150
Chief clerk, Agricultural Department.....	8, 9

SALARIES—Continued

	Section.
Clerks	982
Extra clerks	1005
Extra compensation prohibited	1013
Temporary clerks	983
Contributions from sources other than United States, punishment	1032
Disbursing clerks	975
Agricultural Department	8
Double salaries prohibited unless especially authorized	1006, 1007
Employees	982
Additional compensation	1016-1016f
Agricultural Department	9
Assignment	29
Changes in, payment out of lump-funds	14
Cooperative activities, receiving from outside sources	37
Payment from roll of bureau, etc.	20
Rates specified	19
Engineer, Agricultural Department	8
Entomologist, Agricultural Department	8
Estimates for, founded on express provisions of law	1158
Reports in, of number and salaries of inefficient employees	1159
Submission in, of changes and transfers	1151
Extra clerks	1005
Extra compensation prohibited	1012-1014
Forest Service, employees engaged in cooperative activities	37
Heads of departments	911, 912
Persons temporarily filling	919
Increase, lump-sum appropriations not available for	1002
Reemployment in another department at, restricted	1000, 1001
Laborers	932
Lapsed, disposition	985
Librarian, Agricultural Department	8
Messengers	982
Microscopist, Agricultural Department	8
Officers, Agricultural Department, rates specified	19
Appointees to vacancies during Senate recess	920
Unauthorized, not to be paid	988
Receiving from sources other than United States, punishment	1032
Reports in estimates, changes and transfers	1151
Scientific investigators, Agricultural Department, maximum	18
Secretary of Agriculture	4
Statistician, Agricultural Department	8
Superintendent of folding room, Agricultural Department	8
Superintendent of experimental gardens and grounds, Agricultural Department	8
Superintendent of seed room, Agricultural Department	8
Temporary clerks	983
Transfers to other bureaus, etc., submission in estimates	1151
Unauthorized offices, not to be paid	988
Watchmen	982

SALES

Animals and animal products, Agricultural Department	164, 165
Apple barrels in violation of law	314
Blue prints, Agricultural Department	63
Card indexes of agricultural literature, Agricultural Department	60-62
Condemned property, Agricultural Department	63
Condemned material or lines of telegraph connecting departments, etc.	1328
Copies of card indexes of agricultural literature, Agricultural Department	60-62
Cotton for future delivery, tax on contracts for	379-400
Films, Agricultural Department	65
Foods and drugs adulterated or misbranded	267, 275
Forest maps, Agricultural Department	63
Forms of official cotton standards, Agricultural Department	84, 290ff, 387
Game in Alaska	487

SALES—Continued		Section.
Homesteads on lands acquired for protection of watersheds	633	
Insecticides and fungicides, adulterated or misbranded	251, 259	
Lantern slides, Agricultural Department	63, 64	
Meats and meat food products, under false names	212(5)	
Unfit for food	212(21)	
Unless complying with law	212(17)	
Migratory birds	472, 473	
National Forest products, refunds	568, 569	
Ordnance and ordnance stores by War Department to another department, etc., payment, price	1294	
Pathological and zoological specimens, Agricultural Department	166	
Photographic prints, Agricultural Department	63, 64	
Plates of Government publications	1461	
Products of agricultural experiment stations in Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands	66, p. 716	
Public property, proceeds, deposit in Treasury	1230, 1231	
Proceeds, payment from, of expenses of sales	1231	
Statement of	1171-1173	
Real property acquired by United States for Army storage purposes, proceeds deposited in Treasury	1334	
Samples of sugars, naval stores, microscopical specimens, etc., Agricultural Department	68	
Subsistence supplies by War Department to another department, payment, price	1293	
Timber in national forests	542, 552	
California	567	
Deposits to defray cost of disposing of debris	553	
Refunds	553, 568, 569	
Timber and stone lands	740	
Transparencies, Agricultural Department	63	
Typewriters unless used three years prohibited	1354	
Useless papers	1464, 1465	
Viruses, serums, etc., for domestic animals, worthless, contaminated, etc.	221	
War supplies, etc.	1302	
Waste paper, Agricultural Department	69	
Weather Bureau maps and publications	160	
SALINE LANDS		
Entry under placer mining laws	743	
SALT LAKE CITY, UTAH		
Protection of certain lands in Wasatch National Forest set aside for water supply for	899-902	
Grant of right of way within Wasatch National Forest for reservoir purposes	877	
SAMPLES		
Food and drugs	269, 276	
Insecticides and fungicides	253, 260	
Pure sugars, naval stores, etc., sale	68	
Seed and grain, examination of and reports on	85	
Seeds, tests and publication of results	228, p. 721	
Teas imported, examination	283, 284, 287, 288	
Turpentine, etc., purchase for analysis, etc.	290g	
SAN BERNARDINO FOREST RESERVE		
Permit to Edison Electric Co. for electric power plants in	852-861	
SAN DIEGO, CALIF.		
Certain lands within Cleveland National Forest granted for water supply	903-909	
SAN FRANCISCO, CALIF.		
Rights of way and lands in Stanislaus National Forest for water supply and electric power plants	884-894	
SAN FRANCISCO FOREST RESERVE		
Right of way to Flagstaff, Ariz., for pipe line	862, 863	
SAN FRANCISCO MOUNTAINS FOREST RESERVE		
Right of way to Saginaw Southern Railroad Co.	818	
SAN GABRIEL FOREST RESERVE		
Permit to Edison Electric Co. for power plants in	852-861	
Right of way to Pasadena & Mount Wilson Railway Co.	819-821	

SANITARIUMS	Section.
Lease of spaces in national forests for-----	560, 561
SAN JUAN FOREST RESERVE	
Certain lands in, granted to Durango, Colo., for water supply----	872, 873
SANTA BARBARA NATIONAL FOREST	
Rights of way to Los Angeles, Calif., for water supply and electric power plants-----	864-871
SAVANNAH, GA.	
Acquisition of site of plant propagating station at-----	53
SCHOOLS	
Payment to States of receipts from national forests for benefit of--	571, 636
Sites in national forests for-----	545
SCIENTIFIC APPARATUS	
Agricultural Department, exchange-----	58
SCIENTIFIC COLLECTIONS	
Governmental, use by investigators, students, etc-----	109, 1124
SCIONS	
(See <i>Plants; Seeds</i>)	
Plant Quarantine Act-----	229-242
SEALS	
Affixing to officer's commissions-----	40
Agricultural Department-----	39
Forging, etc-----	1110
Fraudulently affixing-----	1109
General Accounting Office-----	1197
SECRETARY OF AGRICULTURE	
Accounts, examination by auditors-----	1201
Expenditures of Department appropriations-----	130, 139
Manner and times of rendering-----	131
Acquisition, sites of plant propagating stations-----	53
Experimental vineyards-----	54
Advances from Department appropriations-----	134
From Forest Service appropriations-----	135
Advances for subscriptions for publications-----	133
Agricultural colleges, cooperative agricultural extension work, agreement on manner of carrying on-----	423
Cooperative agricultural extension work, ascertainment and certification of amounts due States-----	427
Reports by Secretary of receipts, expenditures and results--	428
Reports to Secretary of appropriations received and disbursement-----	425
Reports to Secretary of operations, receipts, and expenditures-----	426
Submission and approval of plans-----	424
Warrants for payments of appropriations-----	425
Coordination of work of Agricultural Department with-----	452, p. 723
Reports to Secretary of condition and progress, receipts and expenditures, etc-----	417
Reports to Secretary of appropriations received and disbursement-----	416
Agricultural experiment stations, administration of law-----	445
Ascertainment and certification of amounts due States-----	445
Certification of appropriations for payment to Georgia Experiment Station-----	449
Cooperation in establishing and maintaining experimental grass stations-----	451
Coordination of work of Agricultural Department with-----	452, p. 723
Form of financial statement-----	452, p. 723
Reports to Secretary of appropriations received and disbursement-----	443
Reports to Secretary of operations, receipts, and expenditures-----	433
Reports by Secretary on receipts, expenditures, and work-----	446
Reports by Secretary of expenditures-----	452, p. 723
Supervision-----	433
Warrants for payments of appropriations-----	443
Animals, diseases, appointment of agents to examine and report on--	168
Diseases, District of Columbia, reports to Secretary-----	174
Eradication, payment for animals destroyed-----	177

SECRETARY OF AGRICULTURE—Continued

Section.

Animals—Continued

Diseases—Continued

Fences along international boundaries to keep out diseased animals	194
Inspection of cattle for export	187, 192, 212(10)
Inspection of imported animals, etc	192
Investigations as to existence	170
Notice of existence of contagion	173
Quarantine of imported cattle	189
Quarantine of States, etc., notice	181
Regulations for exportation and transportation of cattle	170, 178
Regulations for inspection, disinfection, etc., shipment of livestock from quarantined State, etc., notice	183
Regulations for suppression and extirpation	169
Regulations to prevent introduction and dissemination	179
Slaughter of diseased animals imported, payment	190
Suppression, cooperation with States, etc	169
Regulations for	169
Powers transferred from Secretary of Treasury	178
Export, disinfection of vessels, etc	192
Inspection of cattle	187, 192, 212(10)
Inspectors, appointment	212(11), 187
Regulations	170, 178
Vessels, examination and regulations as to accommodations on vessels for export cattle	201
Importation, designation of ports for	190
Inspection of imported animals	192
Quarantine of cattle	189
Slaughter of diseased animals	190
Tick-infested cattle for immediate slaughter	193
Regulations for determining purity of breeding and identity of animals	203
Interstate transportation, quarantine of States, etc., for diseases of livestock, notice	181
Regulations for inspection, disinfection, etc., and shipment from quarantined States, etc.	183
Regulations	178
Animals or animal products, sale or exchange	164, 165
Appointment	2
Arlington estate, jurisdiction over portion of	45-49
Assignment of pay by employees of department	29
Assistant Secretary, appointment	3
Duties	3, 7
Salary	4
Association of producers of agricultural products, monopolizing or restraining trade so as to enhance prices, procedure	347b
Bees, importation	262a
Birds, preservation, etc	82
Preservation, etc., publication of information	82
Regulations	82
Permits for importation	465
Bison, supplying, loan, and exchange	67
Blue prints, sale	63
Board of appeals from decisions of Commissioner of Internal Revenue, contents of imitation butter, member of	97
Ingredients of filled cheese, member of	98
Bond	38
Books and papers, power to call for in enforcement of certain acts	86
Books and periodicals exchange	59
Bureau of Animal Industry, appointment of agents	168
Appointment of chief	163
Employment of force	163
Establishment	163
Payment of meat-inspection employees for overtime work	216
Bureau of Dairying, appointment and direction of chief	p. 720
Employment of additional persons	p. 720
Transfer of activities to	p. 720

SECRETARY OF AGRICULTURE—Continued

Section.

Certification of quality and condition of perishable farm products in interstate commerce.....	87, p. 716
Chief Clerk, appointment.....	9
Commission to acquire land for connecting Potomac Park with Rock Creek and Zoological Park, member of.....	99
Commissioner of Agriculture, duties of former, performed by.....	6
Condemned property, sale.....	63
Containers for small fruits and vegetables, regulations for reasonable variations from standards.....	306
Control and supervision of department.....	2
Copies of card indexes of agricultural literature.....	60-62
Cotton crop reports, discontinuance of acreage reports based on intention to plant.....	p. 716
Estimate of total production.....	120
Number of acres in cultivation.....	119
Publication of Census statistics in connection with 122, 123, pp. 717, 718	
Semimonthly reports on condition, progress, and probable production, issuance, approval, and release.....	p. 716
Cotton Futures Act.....	86, 379-400
Cotton standards, establishment.....	84, 290ff, 387
Change and replacement.....	290ff, 387
Preparation and sale of forms.....	84, 290ff, 387
Cotton Standards Act.....	290aa-290mm
Council of National Defense, member of.....	101
Powers and duties in relation to highways and highway transport transferred to Secretary of Agriculture.....	513
Crop reports, approval of monthly reports.....	114
Inclusion of information obtained through consuls, etc., in monthly bulletin of.....	116
Monthly Crop Report, printing, number of copies.....	118
Custody of library, furniture, fixtures, records, and other property of department.....	41
Dairy products for export, inspection, etc.....	218
Details, employees from or to Division of Accounts and Disbursements.....	22
Employees from or to library of department.....	22
Employees from or to office of Secretary.....	21
Law clerks in or out of Washington.....	24
Expert from Bureau of Animal Industry to advisory board of hygienic laboratory of Public Health Service.....	107
Direction and superintendence of expenditures of department appropriations.....	130
Employees of department, assignments of pay.....	29
Appointment.....	9
Appointments, promotions, and changes in salaries paid from lump funds.....	14
Details.....	21-24
Leaves of absence.....	25-28
Purchase of mileage books.....	30
Reimbursement for street car fares.....	32
Traveling expenses.....	30-33
Estimates, expenditures from national forest special fund.....	565
Officers, clerks, and employees.....	145
Order and arrangement.....	146
Statements in, clerks under general appropriations.....	146
Meat inspection employees.....	212 (22)
Officers, clerks, and employees under lump-fund appropriations.....	145
Quantity and value of earth, stone, and timber taken from national forests for use of Navy and Alaskan railways.....	559
Rent of buildings.....	147
Exchange, animals or animal products.....	164, 165
Bison.....	67
Books and periodicals.....	59
Scientific apparatus and laboratory equipment.....	58
Typewriters, etc.....	55

SECRETARY OF AGRICULTURE—Continued

Exchange animals or animal products—Continued.		Section.
Vehicles	56, p. 719	
Parts, etc.	57, p. 719	
Excavation of archaeological sites, etc., permits	602	
Farm products, investigation and certification at central markets	87, p. 716	
Farmers' bulletins, notification to Members of Congress	112	
Reversion to Secretary of uncalled-for congressional quotas	112	
Federal Board for Vocational Education, member of	102	
Federal Horticultural Board, appointment	240	
Federal Power Commission, member of	104	
Federal Reserve Bank Organization Committee, member of	100	
Films, loan, rent, or sale of copies of	65	
Food and drugs, certification of violations of act to district attorney	269	
Notice of adulteration or misbranding	269	
Regulations for carrying out act	268	
Reports of compensation or expenses paid to State, etc., employees under act	141	
Samples delivered by Secretary of Treasury	276	
Food products for export, cost of inspection	279	
Forest fires, cooperation with States in prevention and suppression	p. 731	
Cooperation with States in protection of forested watersheds	625, p. 731	
Forest maps, sale	63	
Forests, cooperation with States in procurement, production, and distribution of forest-tree seeds and plants	p. 732	
Cooperation with States to assist farm owners in establishing, etc., wood lots, shelter belts, windbreaks, etc.	p. 732	
Study of effects of tax laws, methods, and practices upon forest perpetuation	p. 732	
Fur-bearing animals in Alaska, powers and duties with respect to	83	
Game birds, importation of eggs for propagation	453	
Preservation, etc.	82	
Game in Alaska, notice to collectors of customs as to consignments received at certain ports	489	
Permits for collection of specimens, etc.	489	
Powers and duties of governor transferred to	p. 727	
Regulations	485	
Report by governor to Secretary	488	
General duties	74	
Grain, regulations to prevent importation of adulterated or unfit for seeding	222	
Samples, examination of and reports on	85	
Standards, establishment	292	
Modification	292	
Notice	292	
Grain Futures Act	401-412	
Grain Standards Act	86, 291-302	
Highways, construction and improvement under Federal aid, powers and duties	494-535d, p. 727	
Insecticides and fungicides, certification of violations of act to district attorneys	253	
Notice of adulteration or misbranding	253	
Regulations for carrying out act	252	
Samples delivered by Secretary of Treasury	260	
Insect pests, regulations for mailing, transportation, etc.	248	
Inventory of property	43	
Laboratory equipment, exchange	58	
Lantern slides, sale	63, 64	
Leave of absence, employees of department in Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands	27, 28	
Employees of department outside of Washington	25	
Forest Service employees in Alaska	26	
Meat, regulations for importation	217	
Meat inspection	204-216	
Carcasses of cattle, etc.	206, 212(2, 3, 13)	
Cattle, etc., before slaughter	206, 212(1)	

SECRETARY OF AGRICULTURE—Continued

Meat inspection—Continued.

Section.

Cattle, etc., whose meat is intended for export.....	205, 212(13)
During nighttime.....	212(7)
Meat food products.....	212(4)
Regulations.....	206, 207, 211, 212(1, 6, 19)
Salted pork and bacon for export.....	204
Slaughtering, etc., establishments.....	212(6)
Meat inspectors, appointment.....	205, 212(1, 2, 4, 6, 11, 14, 19)
Payment for overtime work.....	216
Removal.....	212(4)
Statement in estimates.....	212(22)
Microscopical specimens, sale.....	68
Migratory game and insectivorous birds, determination as to time and manner of taking, etc.....	473
Mileage and mileage books, purchase of.....	30
Mileage for motorcycles or automobiles.....	33a
Motor vehicles, exchange.....	56, p. 719
Parts, etc., exchange.....	57, p. 719
Purchase, maintenance, etc.....	142, p. 719
Reports of expenditures.....	142, p. 719
National Bison Range, duties in reference to.....	460, 461
National Forest Reservation Commission, member of.....	627
National forests, acceptance of lands donated for national forest purposes.....	p. 733
Administration of national forests established within certain Government reservations.....	p. 734
Agricultural lands for homestead entry, examination and ascer- tainment.....	725
Lists and descriptions.....	725
Ascertainment, etc., and report of public lands valuable for stream-flow protection or timber production for administra- tion as national forests.....	p. 734
Construction of roads and trails.....	572-573b
Cooperation with National Park Service in supervision of na- tional monuments contiguous to national forests.....	581
Division into specific national forests of lands acquired for pro- tection of watersheds.....	634
Earth, stone, and timber, permit for use for irrigation works....	554
Permit for use for Navy and Alaskan railways.....	558
Execution of laws affecting.....	79
Expenditure of fund derived from contributions toward coopera- tive work in forest investigations.....	570
Expenditure of fund derived from deposits to defray cost of dis- posing of debris from timber cutting.....	553
Expenditure of fund derived from sale of products or use of land or resources.....	565, 566
Expenditure of portion of moneys received from national forests, for roads and trails.....	572
Nebraska National Forest, furnishing young trees to settlers on arid lands.....	559, p. 728
Permits for use and occupancy of spaces for summer homes, hotels, stores, etc.....	562
Purchase of nursery stock, etc., without advertisement.....	137
Refunds of amounts erroneously collected, etc.....	569
Refunds of deposits to defray cost of disposing of debris from timber cutting.....	553
Refunds of deposits to secure purchase price of products, etc....	568
Reimbursement to owners of horses, vehicles, etc., lost while being used for fire-fighting, trail-building, etc.....	575
Reports, expenditures for construction of roads and trails....	573-573a
Moneys received as contributions toward cooperative forest investigations.....	570
Quantities and value of earth, stone, and timber taken for use of Navy and Alaskan railways.....	588
Refunds of amounts erroneously collected.....	569

SECRETARY OF AGRICULTURE—Continued

Reports—Continued.	Section.
Roads and trails, construction, etc.....	572-573c, p. 728
Segregation of lands for homestead entry.....	732
Timber, etc., permit for export.....	556, p. 728
Permit for use of for telephone lines for fire protection.....	555
Sale.....	552
National Forest Reservation Commission, member of.....	627
Reports to.....	629, pp. 733, 734
National monuments, cooperation with National Park service in supervision, etc.....	581
Naval stores, sale of samples of.....	68
Naval Stores Act.....	290a-290i
Nursery stock, notification of arrival at ports of entry.....	230
Permits for importation.....	229
Purchase for national forests without advertisement.....	137
Oaths, power to administer in enforcement of certain acts.....	86
Olmstead lands in North Carolina, control.....	638
Packers and Stockyards Act.....	86, 348-378
Passenger-carrying vehicles, exchange.....	56, p. 719
Parts, etc., exchange.....	57, p. 719
Purchase, maintenance, etc.....	142, p. 719
Reports of expenditures.....	142, p. 719
Pathological and zoological specimens, sale.....	166
Photographic prints, sale.....	63, 64
Plants, distribution.....	74, 76
Eradication of diseases and pests in District of Columbia.....	241
Forest-tree plants, cooperation with States in procurement, production, and distribution.....	p. 732
Importation for experimental or scientific purposes.....	229, 242
Lists of plants, etc., for State terminal inspection, submission to Secretary by States.....	243
Transmission to Postmaster General.....	243
Notification of arrival at port of entry.....	230
Permits for importation.....	229
Purchase and distribution.....	75, 76
Restrictions on importation.....	235
Quarantine of States, etc.....	236
Notice of establishment.....	236
Regulations for carrying out purposes of Plant Quarantine Act.....	237
Regulations for restricting importation of plants other than nursery stock.....	233
Regulations for inspection, disinfection, etc., shipment from quarantined State, etc.....	236
Notice.....	236
Protection of water sheds of navigable streams, agricultural lands in tract acquired, examination and ascertainment.....	633
Agricultural lands in tracts acquired, lists and descriptions.....	633
Sale as homesteads.....	633
Cooperation with States for fire protection.....	625, p. 731
Development of mineral resources of lands acquired.....	641
Division of lands acquired into specific national forests.....	634
Duty to secure safe title to lands.....	631
Examination, etc., of lands for purchase.....	629, p. 733
Purchase of lands.....	630
Regulations for use, etc., of easements, etc., on lands acquired.....	632
Regulations for protection of game and fish on lands acquired.....	643
Report to National Forest Reservation Commission on examination of lands.....	629, p. 733
Report to Secretary as to lands for purchase.....	629
Renovated butter, ascertainment and report of quantity and quality and the character and condition of materials.....	219
Regulations for carrying provisions into effect.....	219
Sanitary inspection of factories.....	219
Reports and bulletins, printing, number of copies.....	118
Reports, agricultural experiment stations, expenditures.....	452, p. 723
Agricultural experiment stations, receipts, expenditures, and work.....	446

SECRETARY OF AGRICULTURE—Continued

Reports—Continued

Section.

Annual, approval of illustrations-----	111
Division into parts, printing, number of copies, allotment, illustrations-----	111
Inclusion of information obtained through consular officers-----	117
Expenditures-----	110, 138, 139
Moneys received and expended-----	110
Completed investigations-----	143, 144
Contributions received toward cooperative forest investigations-----	570
Cooperative agricultural extension work, receipts, expenditures, and results of-----	428
Duplicated services-----	144
Exchanges of passenger-carrying vehicles-----	56
Expenditures-----	110, 138, 139
Agricultural experiment stations-----	446, 452, p. 723
Construction of highways by Federal aid-----	529
Construction of national forest roads and trails-----	573, 573a
Cooperative agricultural extension work-----	428
Passenger-carrying vehicles-----	142, p. 719
Suppression of contagious, etc., diseases among domestic animals-----	140
Washington Market property-----	89
Food and Drugs Act, payment of compensation and expenses of State, etc., officers-----	141
Highway construction-----	529
National Forest Reservation Commission, reports to-----	629, pp. 733, 734
Quantity and value of earth, stone, and timber furnished from national forests for use of Navy and Alaskan railways-----	558
Receipts and expenditures-----	110
Refunds of amounts erroneously collected on account of national forests-----	569
Samples of seed or grain examined-----	85
Seeds purchased for distribution-----	76
Special-----	110
Suppression of contagious, etc., diseases among domestic animals-----	140
Reports to, agricultural colleges, amounts of appropriations received and disbursement-----	416
Agricultural colleges, condition and progress, etc-----	417
Operations, etc., in cooperative agricultural extension work-----	426
Agricultural experiment stations, amounts of appropriations received and disbursement-----	443
Operations, etc-----	433, 444
Cooperative agricultural extension work, amounts of appropriation received by States and disbursement-----	425
Warehousemen as to licensed warehouses for agricultural products-----	337
Washington Market property, revenues derived from and expenditures on-----	89
Salary-----	4
Sales, animals or animal products-----	164, 165
Blue prints-----	63
Condemned property-----	63
Copies of card indexes of agricultural literature-----	60-62
Copies of films-----	65
Forest maps-----	63
Forms of official cotton standards-----	84, 290ff, 387
Lantern slides-----	63, 64
Pathological and zoological specimens-----	166
Photographic prints-----	63, 64
Products from agricultural experiment stations in Alaska, Hawaii, Porto Rico, Guam, and Virgin Islands-----	66, p. 716
Samples of pure sugars, naval stores, microscopical specimens and other products-----	68
Timber on national forests-----	552
Transparencies-----	63
Waste paper-----	69
Weather Bureau maps and publications-----	159

SECRETARY OF AGRICULTURE—Continued		Section.
Scientific apparatus, exchange	58	
Seal, procuring	39	
Seeds, distribution	74, 76	
Forest-tree seeds, cooperation with States in procurement, pro-		
duction, and distribution	p. 732	
Franks for sending out	78	
Purchase and distribution	75, 76	
Purchase for national forests without advertisement	137	
Regulations to prevent importation of adulterated or unfit for		
seeding	222	
Samples, examination and reports on	85	
Tests for adulteration and misbranding, publication of re-		
sults	228, p. 721	
Transmission through mails free	77	
Sugars, sale of samples of	68	
Sullys Hill National Park Game Preserve, duties in reference to	459	
Supervision and control of department	2	
Supervision of expenditure of department appropriations	130	
Supplies, purchase from appropriations for contingent appropriation		
of department and transfer to bureaus, etc	132	
Supreme Court Reports, copies for	73	
Tea, duties of Secretary of Treasury in respect to importation		
transferred to	80	
Designation of Board of Tea Appeals	80	
Transparencies, sale	63	
Traveling expenses of department officers and employees	31-33a	
Typewriters, etc., exchange	55	
Upper Mississippi River Wild Life and Fish Refuge, authority,		
powers, and duties	pp. 723-726	
Vehicles, exchange	56, p. 719	
Parts, etc., exchange	57, p. 719	
Purchase, maintenance, etc	142, p. 719	
Reports of expenditures for	142, p. 719	
Viruses, etc., for domestic animals, destruction of worthless, etc	221(3)	
Inspection for importation	221(3)	
Inspection of licensed establishments	221(7)	
Licenses to establishments for preparation	221(4, 6)	
Permits for importation	221(5)	
Regulations to prevent preparation, etc., of worthless, etc	221(1, 4)	
War Finance Corporation, member of	106a	
Warehouse Act	86, 315-347	
Washington Market buildings and grounds, ejectment of lessees	95	
Employees and materials for operation and maintenance	89	
Leases	89, 95	
Possession and control	89	
Regulations for management and control	89	
Renting	89	
Report of revenues and expenditures	89	
Reservation of portion for use of United States	89	
Supplies and equipment, purchase without award by General Sup-		
ply Committee	96a, p. 716	
Waste paper, sale	69	
Weather Bureau, changes or assignment of personnel	152a	
Maps, charts, bullet ns, and minor reports, printing, number of		
copies	118	
Sale	159	
Preparation of estimates	151	
Promotions of employees without prejudice to those transferred		
from signal service	152	
Weather signals on mail cars	153	
Wind Cave National Game Preserve, duties in reference to	462	
Witnesses, power to examine in enforcement of certain acts	86	
Wyoming Elk Reserve, duties in reference to	463, 464	
SECRETARY OF COMMERCE		
Information pertinent to census furnished by departments	1129	
Member of commission under Grain Standards Act	406	

SECRETARY OF COMMERCE—Continued**Section.**

Powers and duties with respect to fur-bearing animals in Alaska transferred to Secretary of Agriculture.....	83
Regulations for carrying out Food and Drugs Act.....	268
Regulations for carrying out Insecticide Act.....	252
Regulations, functions and duties with respect to Upper Mississippi River Wild Life and Fish Refuge.....	pp. 724-726

SECRETARY OF INTERIOR

Agricultural colleges, administration of law.....	418
Ascertainment and certification of amounts due States.....	418
Reports to Congress.....	419
Warrants for payments to States.....	416, 421
American antiquities, acceptance of lands.....	601
Fuel, delivery to branches of Federal service.....	1350
Government fuel yards.....	1349
Purchase, etc., and distribution of all fuel required by branches of Federal service.....	1349
Purchase by all branches of Federal service from.....	1349
Government fuel yards, establishment.....	1349
Use of trucks for hauling material for branches of Federal service.....	1351
Mineral lands, coal, phosphate, sodium, oil, oil shale, and gas lands.....	767-805
Potassium lands.....	754-766
National forests, allotments within to Indians.....	735
Homestead entries of agricultural lands within.....	725
Leases of ground for sanitariums and hotels.....	560
Permits for use of timber and stone on.....	543
Protection of.....	541
Regulations for egress and ingress of settlers.....	544
Restoration of mineral lands to public domain.....	548
Sale of timber on.....	542
Surveys.....	539
National Forest Reservation Commission, member of.....	627
Rights of way, canal and ditch companies.....	836, 837
Electrical plants, telegraph and telephone lines, canals, etc.....	842
Electric power companies.....	841
Railroads.....	806, 809
Reservoirs, canals, etc., forest reserves.....	843
Wagon roads, railroads, etc.....	812
Timber, regulations for cutting.....	614-618
Transfer to, by Secretary of Agriculture of material, equipment, and supplies for construction, etc., of roads and trails in national parks and monuments.....	p. 728

SECRETARY OF STATE(See *State Department*)

Statutes at Large, editing, printing, publication, and distribution of volumes.....	72
Editing, printing, and distribution of pamphlet copies.....	71

SECRETARY OF TREASURY(See *Accounts and Accounting; Appropriations; Estimates; Money*)

Accounts, direction as to time of rendering by disbursing officers.....	1236
Regulations as to time of rendition.....	1204
Regulations for carrying out provisions relating to.....	1208
Reports of officers and departments delinquent in rendering.....	1205
Suspension of payment and reexamination.....	1202
Agricultural colleges, amounts due States certified to.....	418
Payment of appropriations to States.....	416, 421
Agricultural experiment stations, amounts due States certified to.....	445
Payment of appropriations to States.....	441, 443, 448
Alaska Game Act, aid in carrying out.....	490
Appropriations	
Agricultural colleges, payment to States.....	416, 421
Agricultural experiment stations, payment to States.....	441, 443, 448
Cooperative agricultural extension work, payment to States.....	425
Unexpended balances, carried to surplus fund.....	1190
Reports of.....	1189, 1191
Bees, regulations for importation.....	262a
Birds and animals, regulations for importation.....	465

SECRETARY OF TREASURY—Continued	Section.
Buildings, approval of plans.....	1314
Contracts for sites or erection, etc., to full cost limit on partial appropriation.....	1363
Jurisdiction and control.....	1316
Plans, etc., preparation by Supervising Architect.....	1315
Selection of sites for.....	1310
Checks lost or destroyed, regulations for issue of duplicates.....	1257, 1258
Cooperative agricultural extension work, amounts due States certified to.....	427
Payment of appropriations to States.....	425
Cotton futures tax, authority and duties.....	391
Depositaries of public money, designation.....	1233
Drafts outstanding, certificate for payment of warrant.....	1221
Drugs seized, delivery to departments, etc.....	1304, p. 742
Estimates, Agricultural Department, officers, clerks, and employees.....	145
Classification and compilation.....	1154
Extracts from annual reports included in.....	1174
Lump-sum appropriations, method of submitting statements with.....	1170
Rearrangement.....	1153
Special or additional to conform to required order and arrangement.....	1152
Statement of buildings rented in District of Columbia.....	1164-1166
Food and drugs, delivery of imported to consignee on bond.....	276
Detail of medical officers of Public Health Service for assistance in administration of act.....	280
Refusal of admission to adulterated or misbranded.....	276
Regulations for carrying out act.....	268
Samples of imported delivered to Secretary of Agriculture.....	276
Game birds' eggs, regulations for importation.....	454
Georgia Agricultural Experiment Station, payment of appropriation to.....	449
Highways constructed by Federal aid, certification to, amounts apportioned to States.....	496-498, 531, 532
Certification to, approval of surveys, plans, etc.....	499, 521
Disposition of funds for States having constitutional prohibition or limitation on internal improvements.....	503
Making available to States sums apportioned.....	520
Payment to States.....	499, 523
Setting aside shares of Federal aid.....	499, 521
Information pertaining to agriculture obtained from consular reports, transmitted to Secretary of Agriculture.....	117
Insecticides and fungicides delivery of imported to consignee on bond.....	260
Refusal of admission to adulterated or misbranded.....	260
Regulations for carrying out act.....	252
Samples of imported delivered to Secretary of Agriculture.....	260
Lands acquired for protection of watersheds, payment of percentage of receipts to States for schools and roads.....	636
Miscellaneous supplies, advertisement and contracts for.....	1338
National forests, payment of percentage of receipts to States for public schools and roads.....	571
Notification by Secretary of Agriculture of amount to be expended for construction of roads and trails.....	573
Nursery stock, notification to Secretary of Agriculture of importation.....	230
Penal bonds, regulations for deposit of Liberty or other United States bonds in lieu of.....	p. 737
Portraits from stock of Bureau of Printing and Engraving, impressions furnished heads of departments, etc.....	1306
Property, statements of moneys arising from proceeds of.....	1173
Reports, delinquent officers and departments.....	1205
Moneys received from proceeds of property, etc.....	1173
Unexpended balances.....	1189, 1191
Reports to, condition of accounts, by Treasurer, assistant treasurers, and depositaries.....	1224
Moneys received from proceeds of property, etc.....	1173
Outstanding checks.....	1224, 1225

SECRETARY OF TREASURY—Continued	Section.
Seeds, regulations to prevent importation of adulterated or unfit for seeding	222
Tea, powers and duties relating to importation of	281-290
Powers and duties relating to importation of, transferred to Secretary of Agriculture	80
Warrants, regulations for issuing	1202
SECRETARY OF WAR	
(See War Department)	
Ammunition, explosives, etc., transfer to other departments	1301
Arms and ammunition furnished other departments for protection of money and property	1300
Motor vehicles, motor equipment, etc., transfer to branches of Government service	1384
Transfer to Secretary of Agriculture for highway improvement	506, 508-510
National Forest Reservation Commission, member of	627
Telegrams or radiograms, collection of forwarding charges of connecting companies for transmission of Government messages	1336a
Telephone supplies, transfer to Agricultural Department for use of Forest Service	574
Tractors, transfer to Secretary of Agriculture for highway improvement	510a
War material, equipment, and supplies, transfer to Secretary of Agriculture for highway improvement	504, 506-509, 515
SECRETARIES	
(See Attorney General; Departments; Postmaster General; Secretary of Agriculture; Secretary of Commerce; Secretary of Interior; Secretary of Labor; Secretary of State; Secretary of Treasury; Secretary of War)	
SEED IMPORTATION ACT	
Text	222-227
SEEDS	
(See Plants)	
Adulterated, importation prohibited	222
Adulteration	223, 228, p. 721
Agricultural Department, distribution	1, 74-76
Franks for mailing	76, 78
Transmitted free through mails	77
Distribution, Agricultural Department	1, 74-76
Examination of and reports on samples	85
Forest-tree seeds and plants, cooperation by Secretary of Agriculture with States in procurement, production, and distribution	p. 732
Franks for Agricultural Department for mailing	76, 78
Grain, etc., importation, adulterated or unfit for seeding prohibited	222
Importation, adulteration defined	223
Bond for recleaning	222
Punishment for violation of act	225
Regulations	222
Ryegrass, act extended to	227
Unfit for seeding defined	224, 227
Vetch, act extended to	227
Imported by Agricultural Department, exempt from duty	70
Misbranding	228, p. 721
Plant Quarantine Act	229-242
Purchase and distribution, Agricultural Department	75, 76
Contracts for packets and packeting	76
Purchase for national forests without advertisement	137
Tests for adulteration and misbranding and publication of results, Agricultural Department	228, p. 721
Unfit for seeding	224, 227
SENATE	
(See Congress)	
SEQUOIA NATIONAL FOREST	
Rights of way to Los Angeles, Cal'f. for water supply and power and electric plants	864-871

	Section.
SERUMS	
(See <i>Animals and Animal Industry</i>)	
SHEEP	
(See <i>Animals and Animal Industry; Meat Inspection</i>)	
SHIPMENT	
Animals and birds, dead bodies of illegally killed, etc.....	466, 468
Illegally imported.....	466, 468
Marking packages containing dead bodies.....	467
Birds, etc., illegally taken, etc.....	474, 476
Containers for small fruits and vegetables.....	305
Eggs of certain brds, Alaska.....	493
Food and drugs, adulterated or misbranded.....	267
Game, Alaska.....	488, 489
Insecticides and fungicides, adulterated or misbranded.....	251
Livestock, diseased.....	172
From infected localities, regulations, inspection.....	173
From quarantined State.....	181-185
Tuberculin-tested.....	176
Meat, uninspected, prohibited.....	212 (8)
Unsound, etc., prohibited.....	208, 212 (21)
Migratory birds.....	472-476
Nursery stock, from quarantined State.....	236
Imported, inspection.....	230, 232
Marking packages.....	230, 232
Not ce.....	230
Plants, etc., from quarantined State.....	236
Imported nursery stock.....	230, 232
Viruses, serums, etc., for domestic animals.....	221 (1)
SHOSHONE NATIONAL FOREST	
Certain lands added to.....	676a
SHRUBS	
(See <i>Plants, Seeds</i>)	
Imported by Agricultural Department, exempt from duty.....	70
Plant Quarantine Act.....	229-242
Purchase and distribution, Agricultural Department.....	75, 76
SICKNESS	
Disbursing officers, acting officer.....	976
Heads of departments, filling temporary vacancies.....	914, 916
Leave of absence to clerks and employees.....	945, 946
Removal of office because of, cost reported to Congress.....	1138
Subordinate officers, filling temporary vacancies.....	915, 916
SIERRA NATIONAL FOREST	
Exchange of lands for patented lands in, to become part of Yosemite National Park.....	696
Exchange of lands of, for certain privately-owned timber lands within Sierra National Forest and Yosemite National Park.....	700
Exchange of lands or timber within national forests of California for lands within Sierra National Forest.....	721
Exchange of timber and lands within, for patented lands within Yosemite National Park.....	696-699
Lands included in.....	644-651
Permit to Edison Electric Co. for power plants in.....	852-861
SISKIYOU NATIONAL FOREST	
Certain lands added to.....	676b, 676c
SIUSLAW NATIONAL FOREST	
Certain railroad lands revested in United States added to.....	677-678a
SNOQUALMIE NATIONAL FOREST	
Exchange of lands for certain lands not in Government ownership to become parts of.....	724c
SODIUM	
Disposition of deposits and lands owned by United States.....	767, 790-805
SOILS	
Bureau in Agricultural Department, laws relating to former division continued in effect.....	10
Examination and classification by agricultural experiment stations..	450
SOLDIERS	
(See <i>Military and Naval Service</i>)	

SOLDIERS—Continued	Section.
Preference to honorably discharged, appointments to clerical and other positions in departments	937
Labor on roads and trails in national forests	573a
Labor on rural post roads	503
Reduction of forces in departments	965, 969
SOLICITOR OF DEPARTMENT OF AGRICULTURE	
Performance of legal work of department by	12
SORGHUM	
Importation of seeds adulterated or unfit for seeding	222-225
SOUTH DAKOTA	
Custer State Park Game Sanctuary	590-593
Exchange of nonmineral national forest lands for State lands within national forests	718
Refuge for antelope and other game animals and birds	p. 729, 730
Timber, cutting for certain purposes on public lands	616
On mineral lands, cutting for certain purposes	614
Wind Cave National Game Preserve	462
SPECIAL AGENTS	
Agricultural Department, advances to	134
Bonds	977
SPECIMENS	
(See <i>Samples</i> .)	
Foods and drugs, examination	269, 276
Insecticides and fungicides, examination	253, 260
Pathological and zoological, sale by Agricultural Department	166
STAMPS	
(See <i>Labels and Labeling; Marks and Marking</i>)	
Cotton futures tax	389
Inspection, meat	207, 212(2, 4, 9)
Salted pork and bacon for export	207
STANDARD APPLE BARREL ACT	
(See <i>Apples</i>)	
Text	309-314
STANDARD CONTAINER ACT	
(See <i>Baskets</i>)	
Text	303-308
STANDARDS	
Agricultural products, establishment	333
Apples, barrels for	309
Grades for	310
Butter under Food and Drugs Act	278a
Containers for small fruits and vegetables	303, 304
Cotton, change or replacement	387
Establishment	84, 290ff, 387
Forms	84, 290ff, 387
Grain, alteration	292
Designation	293
Establishment	292
Naval stores, designation	290c
Duplicates	290d
Establishment	290c
Modification	290c
Teas imported	283
STANISLAUS NATIONAL FOREST	
Exchange of lands for patented lands in, to become part of Yosemite National Park	696
Exchange of timber and lands within, for patented lands within Yosemite National Park	696-699
Grant of rights of way and lands within, to San Francisco, Calif., for water supply and electric power plants	884-894
STATE DEPARTMENT	
(See <i>Secretary of State</i>)	
Foreign decorations tendered through	1114
Consular reports on agricultural and horticultural industries for use of Agricultural Department	116

STATIONERY	Section.
Agricultural Department, purchase from appropriations for contingent expenses and reimbursement from lump-fund appropriations	132
Contracts of departments for, limited to one year	1370
Printing for departments	1157
Public Printer to furnish to departments	p. 742
Purchase of, for departments	1338
STATISTICIAN	
Agricultural Department, salary	8
STATISTICS	
Collection by Agricultural Department	74
Cotton statistics furnished by Census Bureau to Agricultural Department, publication	122, 123, pp. 717, 718
STATUTES AT LARGE	
(See <i>Revised Statutes</i>)	
Editing, printing, and distribution of volumes	72
Pamphlet copies	71
Index, printing and distribution	1448
References to, in estimates of appropriations	1155
STEALING	
Books, pamphlets, documents, etc.	1458
Money, property, records, etc.	1277
Records	1459
STONE	
Lands chiefly valuable for, sale	740
Lands chiefly valuable for building stone, entry	741
Right to telegraph companies to take from public lands	846
Use of, from national forests by settlers	543
Use of, from national forests for the Navy and for Government works in Alaska	558
Use of from public lands and national forests for irrigation works	554
STORAGE	
Accommodations for departments, lease of	1360
Agricultural products, warehouses for	315-347
Imported food and drugs refused admission	276
Imported insecticides and fungicides refused admission	260
STREET CAR FARES	
Employees of Agricultural Department, reimbursement	32
SUBPOENAS	
Employees Compensation Commission	1061
Witnesses in claims against United States pending in departments	1385
Compelling obedience	1387
SUBSCRIPTIONS	
Periodicals for official use, payment in advance	1261
Publications for Agricultural Department, advances for	133
SUBSISTENCE	
Government employee, computation of monthly pay in case of injury	1044
Officers and employees traveling on official business, limitation	1018
Per diem allowance in lieu of, Agricultural Department	31
Limitation	1019
Statement in estimates	1019
SULLYS HILL NATIONAL PARK GAME PRESERVE	
Establishment	459
SUNDAY	
Holidays in District of Columbia falling on	958
Leave of absence to clerks and employees exclusive of	947
SUPERINTENDENT OF DOCUMENTS	
Appointment	1438
Catalogue of Government publications	1440
Comprehensive index of documents	1439
Custody of documents subject to distribution	1438
Delivery by, to departments of documents printed for official use	1438
Delivery to, of copies of department publications for distribution to depositaries	1436
Delivery to, of copies of documents issued	1439
Delivery to, of documents not needed by departments	1441
Delivery to, of documents published for sale	1438

SUPERINTENDENT OF DOCUMENTS—Continued		Section.
Distribution of documents.....		1438
Powers and duties.....		1438
Reprinting documents for sale.....		1431
Sale of documents.....		1438
Supervision of distribution of documents.....		1438
Supplying copies of publications to libraries of departments.....		1445
SUPERINTENDENTS		
(See <i>Superintendent of Documents</i>)		
Experimental gardens and grounds, Agricultural Department.....		8
Folding room, Agricultural Department.....		8
Meters at Capitol, statement of meters and report of gas consumption in department buildings.....		1333
Seed room, Agricultural Department.....		8
SUPERVISORS		
Forest supervisors, selection.....		578
SUPPLIES		
(See <i>Advertisements; Contracts</i>)		
Agricultural Department, advertisement for proposals unnecessary when amount does not exceed \$50.....		136
Purchase from appropriations for contingent expenses and reimbursement from lump-fund appropriations.....		132
Articles purchasable from contingent funds not to be purchased from any other appropriations.....		1196
Contracts for, advertising.....	136, 1337-1338a,	1341
Limited to one year.....		1370
Miscellaneous advertised and contracted for by Secretary of Treasury.....		1338
General Supply Committee, creation, composition, duties.....		1338
Reports to, of purchases or drawings from contractor.....		1338
Schedules, purchase or drawing from by departments through....		1338
Office supplies, etc., falling into disuse because of cessation of war, heads of departments, etc., to cooperate in storage and delivery of.....		1303, p. 740
Transfer by departments, etc., to Secretary of Treasury....	1303, p. 740	
Opening bids.....		1345
Ordnance supplies, sale by War Department to another department, payment, price.....		1294
Printing and binding, transfer to Government Printing Office.....		1408
Proceeds of sales of condemned supplies, deposit in Treasury....	1230,	1231
Payment of expenses from.....		1231
Statement of any payments therefrom.....	1171-1172	
Procured by one department for another, requisition of funds.....		1299
Purchase, appropriations for contingent expenses, articles purchasable from not to be purchased from any other fund.....		1186
Restrictions.....		1182
Exigencies, open purchase or contract.....		1337
Outside of District of Columbia in open market when amount does not exceed \$50.....		1338a
Purchase for Center Market by Secretary of Agriculture without award by General Supply Committee.....	96a, p. 716	
Purchases and contracts, advertising.....	136, 1337-1338a,	1431
Public Printer to furnish certain supplies to departments.....		1428
Statement of proceeds of sales of condemned supplies.....	1171,	1172
Subsistence supplies furnished by War Department to another department, payment, price.....		1293
War supplies, etc., departments to purchase from other Government services.....		1357
Office supplies, etc., Executive order relating to disposition of.....	1303, p. 740	
Heads of departments to cooperate with Secretary of Treasury in storage of.....	1303, p. 740	
Sale through heads of departments.....		1302
Transfer by Secretary of War to Agricultural Department for highway improvement.....	504, 506-509, 515	

	Section.
SUPREME COURT OF UNITED STATES	
Reports, copies for Secretary of Agriculture, Assistant Secretary, and Forester	73
Review of appeals under Packers and Stockyards Act	353
SURVEYS	
Destroying, etc., survey marks	604
Lands on headwaters of navigable streams	626
National forests	538, 539
Agricultural lands within	725, 732
Oil and gas lands	780
Oil shale lands	788
Phosphate lands	776
Potassium lands	755, 776
Sodium lands	791
SWINE	
(See <i>Animals and Animal Industry; Meat Inspection</i>)	
TAGS	
(See <i>Meat Inspection</i>)	
Registration tags required on official motor vehicles in District of Columbia	p. 741
TARGHEE NATIONAL FOREST	
Addition of certain lands to	692
TARIFF COMMISSION	
Cooperation of departments with	1126
Divulging information obtained by	1127
TEA	
Board of experts, appointment	282
Compensation	282
Duties	282
Number of members	282
Presiding officer	282
Qualifications of members	282
Removal of members	282
Term of members	282
Vacancies	282
Board of general appraisers, advice of experts	288
Appeals to	286
Powers and duties transferred to board of tea appeals	80
Reexamination	287
Board of tea appeals, creation	80
Powers and duties of board of general appraisers transferred to ..	80
Bond of importers	281, 284, 286
Approval by collector of customs at port of entry	80
Delivery, partial	285
Permit for	285, 286
Examination	284
According to usages of trade	287
Where made	287
Examiners	287
Samples for	284
Exportation or destruction of tea inferior to standards	286
Forfeiture of rejected teas reimported	289
Importation	80, 281-290
At ports having no examiner	284
For manufacturing theine, caffeine, etc	281
Inferior to standards prohibited	281
Powers and duties conferred by act on Secretary of Treasury trans- ferred to Secretary of Agriculture	80
Reexamination	285
Regulations for enforcement of act	290
Samples, for examination	284
For reexamination	288
Standards	283
Standards of purity, etc., establishment	283
Samples, deposit at custom house	283
Supplying importers and dealers	283
TEA IMPORTATION ACT	
Text	80, 281-290

TELEGRAPHS AND TELEPHONES

	Section.
Collection of forwarding charges of connecting telegraph companies for transmission of Government messages.....	1336a
Connecting public buildings.....	1323-1328
Contracts for telephone service.....	1338
Free use of timber of national forests for constructing telephone lines for fire protection.....	555
Injuring, etc., Government telegraph or telephone lines.....	1329
Private dispatches over Government telegraph lines, payment of receipts into Treasury.....	1229
Private telephone service, appropriations not to be expended for.....	1187
Priority of Government telegrams over lines granted rights on public domain.....	848
Purchase by Government of telegraph lines granted rights on public domain.....	849
Refusal or neglect to transmit Government telegrams over lines granted rights on public domain, penalty.....	851
Rights of telegraph companies on public domain, acceptance of obligations.....	850
Construction of lines.....	845
Nontransferable.....	847
Use of materials from public lands.....	846
Use of public lands for stations, etc.....	846
Rights of way, telegraph lines through public domain.....	845
Telephone and telegraph lines on public lands, national forests, etc.....	842, 844

TELEPHONE SUPPLIES

Transfer by Secretary of War to Agricultural Department for use of Forest Service.....	508, 574
--	----------

TETON NATIONAL FOREST

Certain lands added to.....	674
-----------------------------	-----

THANKSGIVING DAY

Holiday in District of Columbia.....	958
Per diem employees.....	959

TIMBER

(See *Forests; National Forests*)

Alaska, export of pulp wood or wood pulp from.....	557
Boxing, etc., trees for turpentine, punishment.....	620
Cutting, etc., live oak or red cedar.....	608
Miners and agriculturists not prevented from clearing land.....	606, 612
Punishment.....	606, 608, 612, 613, 615
Relief from prosecution.....	611
Taking timber for Government use not prevented.....	606, 612
Fires, failure to extinguish, punishment.....	622
Setting.....	621
Limitations of use of timber taken from public lands not applicable to certain lands in Montana.....	618
Live oak and red cedar, punishment for cutting, etc.....	608
Vessels carrying, clearance.....	609
Forfeiture.....	610
Mineral lands, cutting and removal for certain purposes.....	614, 615
National forests, exchange for lands relinquished as basis for lieu land selection.....	693c
Exchange for lands within national forests.....	693b
Export from State or Territory.....	556, p. 728
Free use by settlers, etc.....	543, 552
Free use for telephone lines for fire protection.....	555
Permit for use for irrigation works.....	554
Sale of.....	542, 552
California.....	542, 567
Deposits to defray cost of disposing of debris.....	553
Receipts covered into Treasury.....	568
Refunds of deposits.....	568, 569
Taking for use of Navy and Alaskan railways.....	558
Preservation in Florida.....	607
Removal, punishment.....	606, 608, 612
Removal of timber cut in Wyoming to Idaho.....	617

	Section.
TIMBER—Continued	
Reserved lands, cutting unlawfully, destroying, etc., punishment.....	613
Right to use by telegraph companies.....	846
Rights of way for cutting timber or manufacturing lumber.....	842
TIMBER AND STONE ACT	
Text.....	606, 611, 612
TOXINS	
(See <i>Animals and Animal Industry</i>)	
TRACTORS	
Transfer by Secretary of War to Agricultural Department for highway construction by Federal aid.....	510a
TRANSFERS	
Arlington Estate, jurisdiction over portion to Secretary of Agriculture.....	45-49
Clerks and employees from one department, etc., to another, restriction.....	998, 999
Contracts or orders, prohibited.....	1373
Employees, Agricultural Department, restriction on increased salary.....	15
Departments to Census Office.....	1003
From position in one department, etc., to position of same or higher grade in another.....	938j
Notice to Civil Service Commission.....	927
Records kept by Civil Service Commission.....	1082
Restriction on increased salary.....	15, 1002
Subtreasuries of Treasury Department to other departments.....	1004
Files and records of war agencies, to departments.....	1466
Land in Forest Grove, Oreg., from Interior Department to Agricultural Department for use of Bureau of Entomology.....	52
Motor vehicles and equipment, by Secretary of War to branches of Government service.....	1384
Motor vehicles, equipment, etc., by Secretary of War to Agricultural Department for highway improvement.....	506, 508-510
Ordnance, War Department to other departments, payment.....	1294
Powers and duties of Council of National Defense relating to highways, to Secretary of Agriculture.....	513
Salaries from one office or bureau to another, submission in estimates.....	1151
Telephone supplies, by Secretary of War to Agricultural Department for use of Forest Service.....	574
Tractors, by Secretary of War to Agricultural Department for road construction.....	510a
War material, equipment, and supplies, by Secretary of War to Agricultural Department for highway improvement.....	504, 506-509, 515
TRANSPARENCIES	
Agricultural Department, sale of.....	63
TRANSPORTATION	
Animals or birds, dead bodies of illegally killed, etc.....	466, 468
Illegally imported.....	466, 468
Birds, etc., illegally taken, etc.....	474, 476
Eggs of certain birds, Alaska.....	493
Game, Alaska.....	489
Insect pests.....	246, 248, 249
Livestock, care in transit.....	196-200
Diseased.....	172, 173
From infected localities, regulations, inspection.....	178
From quarantined State, etc.....	181-186
Tuberculin-tested.....	176
Meat, uninspected.....	206-212
Unsound, etc.....	208, 212 (21)
Migratory birds.....	472-476
Nursery stock, etc., from quarantined State, etc.....	236
Property for departments, duty of Quartermaster General.....	1309
Property of Government, free of charge over certain land-grant railroads.....	1308
Remains of deceased employees, restriction on expenditure.....	1027
Timber cut on public lands, punishment.....	606

TRAVEL EXPENSES

	Section.
Accounts for, oaths, administered by whom	1021
Oaths, charge for administering by officer or employee not to be made or paid	1021
Expenses actually incurred only allowed	1017, 1018
Mileage allowance for motor vehicles in lieu of, Agricultural Department	33a, p. 715
Officers and agents of Forest Service, restriction on use of appropriation	579
Officers and employees of Agricultural Department	31
Per diem in lieu of	31
Purchase of mileage books	30
Reimbursement for street car fares	32
Transfer from one station to another	33
Officers and employees of Weather Bureau, transfer from one station to another	161
Reports by heads of departments	1134
Subsistence allowance, limitation	1018
Per diem in lieu of, limitation	1019
Restriction	1018

TREASURY DEPARTMENT

(See *Accounts and Accounting; Appropriations; Estimates; Moneys; Secretary of Treasury*)

TREES

(See *Forests; National Forests; Plants; Seeds; Timber*)

TUNNELS

(See *National Forests; Rights of Way*)

TURPENTINE

(See *Naval Stores*)

TUSAYAN NATIONAL FOREST

Rights of Arizona Lumber and Timber Co. to cut timber on certain lands in, extended	619a
Rights of Saginaw and Manistee Lumber Co. to cut timber on certain lands within, extended	619

TWENTY-EGHT HOUR LAW

(See *Animals and Animal Industry*)

Text	196-200
------	---------

TYPEWRITERS

Exchange authorized	1353
Agricultural Department	55
Issue from surplus of General Supply Committee of machines unfit for use	p. 741
Limitations on prices	1355, p. 741
Purchase from surplus of General Supply Committee	1356, p. 741
Unserviceable machines	1356, p. 741
Repairs to, by General Supply Committee	p. 741
Reports of exchanges	1353
Restriction on disposition of	1354

UINTAH NATIONAL FOREST

Reservation of lands within Uintah Indian Reservation as an addition to	682
---	-----

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Acquisition of lands and water for	p. 723
Appropriation	p. 726
Existing rights of way, etc.	p. 724
Legislative consent of States	p. 724
Act not to exempt Mississippi River from laws relating to navigable waters or to interfere with improvement projects	p. 726
Appropriation, acquisition of areas	p. 726
Construction, maintenance, etc.	p. 726
Authority and powers of employees of Departments of Agriculture and Commerce	p. 725
Commercial fishing	p. 725
Expenditures for construction, maintenance, etc.	p. 726
Appropriation	p. 726
Person defined	p. 726

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE—Continued	Section.
Purposes of	p. 724
Regulations by Secretaries of Agriculture and Commerce	p. 723
Violations, punishment	p. 726
Seizures	p. 725
Proceedings for forfeiture	p. 725
Title of act	p. 723
Violations, punishment	p. 726
UTAH	
Salt Lake City, Protection of certain lands in Wasatch National Forest set aside for water supply	899-902
Right of way in Wasatch National Forest for reservoir purposes	877
Timber, mineral lands, cutting for certain purposes	616
Public lands, cutting for certain purposes	614
VACANCIES IN OFFICE	
Chiefs of bureaus temporarily filled, assistant or deputy chief or chief clerk to perform duties unless otherwise directed	915
Discretion of President	916
Extra compensation prohibited	919
Limitation of time	917
Restriction	918
Heads of departments temporarily filled, discretion of President	916
Extra compensation prohibited	919
First or sole assistant to perform duties unless otherwise directed	914
Limitation of time	917
Restriction	918
Salaries of persons appointed during Senate recess to fill vacancies, restrictions	920
VEGETABLES	
(See <i>Baskets; Plants</i>)	
VEHICLES	
Exchange of passenger-carrying vehicles by Secretary of Agriculture	56, p. 719
Reports	56
Exchange of used parts, etc., of passenger-carrying vehicles by Secretary of Agriculture	57, p. 719
Expenses of horses and carriages restricted	1023
Mileage allowance for motor vehicles used by Agricultural Department	33a, p. 715
Official motor vehicles in District of Columbia subject to regulations	p. 741
Purchase, maintenance, etc., of passenger-carrying vehicles, Agricultural Department	142, p. 719
Agricultural Department, reports of expenditures	142, p. 719
Estimates of appropriations for	1025
Restrictions	1023-1025
Reimbursement to owners of vehicles, etc., lost while used in fire-fighting or trail building	575
Transfer of motor vehicles and equipment by Secretary of War to Agricultural Department for highway improvement	506, 508-510
Transfer of motor vehicles and equipment by Secretary of War to branches of Government service	1384
VESSELS	
(See <i>Common Carrier</i>)	
Accommodations for export cattle	201, 202
Punishment for violations of rules	202
Animals in transit, care of	196-200
Clearance of having on board cattle, etc., for exportation, certificate of inspection	187, 212 (12)
Clearance of having on board meat for exportation, certificate of inspection	205, 212 (15)
Disinfection of used for animals for exportation	192
Transportation of diseased livestock prohibited	172
Penalty	173
Transportation of livestock from quarantined State, etc.	182

VINES

(See <i>Plants; Seeds</i>)	Section.
Plant Quarantine Act	229-242
Purchase and distribution	75, 76

VIRGIN ISLANDS

Exportation to of tick-infested cattle from Porto Rico	193
Leave of absence to employees of Agricultural Department in	28
Sale of products from agricultural experiment station in	66, p. 716

VIRUS ACT

(See <i>Animals and Animal Industry</i>)	
Text	221

VIRUSES, SERUMS, ANTITOXINS, ETC., FOR DOMESTIC ANIMALS

(See *Animals and Animal Industry*)

VOUCHERS

False	1274
Preparation and examination	1207

WAR DEPARTMENT

(See *Secretary of War*)

Transactions between bureaus, etc., of, and other departments, settlement	1293-1298
---	-----------

WAREHOUSE ACT

Text	315-347
------	---------

WAREHOUSES FOR AGRICULTURAL PRODUCTS

Appropriation for carrying act into effect	345
Bond, additional by warehouseman	320
Applicants for license, form and amount, surety, terms and conditions	320
Persons operating State warehouses	323
Right of action on by injured persons	321
Books, records, etc., examination	341
Cancellation of receipts upon delivery of products	336
Classification	317
Compliance with act required	337
Cooperation by Secretary of Agriculture with State officials in enforcement of act	343
Definitions	316
Delivery of products to depositor or to holder of receipt, conditions	335
Deposit of products subject to terms of act	328
Designation as bonded warehouses	322
Designating as bonded warehouses until bond approved and license issued, prohibited	322
Discrimination in storage prohibited	327
Duties of warehousemen, Secretary of Agriculture to prescribe	317
Examination, books, records, etc	341
Products stored	338
Failure to perform duties, publication of findings	338
Fees, disposition of	324
Examinations and inspections	324
Licenses	324
Hearings, publication of findings of failure to perform duties	338
Suspension or revocation of licenses	326, 339
Inspection	317
Fees	324
Inspection and grading of stored fungible products	329
Issuing or uttering false or fraudulent receipts or certificate	344
Investigations of storing, warehousing, grading, weighing, and certification of agricultural products	317
Publication of results	340
Laws of States, etc., and of United States not affected by act	343
Liability for mingling products stored	330
Licenses, additional bond	320
Bond of applicants	320
Inspection, sampling, classifying, and weighing products, issuance	325
Revocation	326
Suspension	326

WAREHOUSES FOR AGRICULTURAL PRODUCTS—Continued

	Section.
Licenses, additional bond—Continued	
Fee for issuance and renewal	324
Forgery, etc.	339
Issuance	318, 323
Publication of lists	340
Renewal	319
Revocation	326, 339
State warehouses, issuance	323
Suspension	326, 339
Termination	319
Mingling products stored prohibited, exceptions	330
Partial invalidity of act	346
Power of Secretary of Agriculture to administer oaths, etc., in enforcement of act	86
Publication, findings of failure of warehouseman to perform duties	338
Licensed and bonded warehouses	340
Lists of licensed persons and licenses terminated	340
Results of investigations of storing, warehousing, grading, weighing, and certification of agricultural products	340
Receipts, cancellation	336
Contents	332
Issuance	323, 331
False or fraudulent, punishment	344
Without actual storage, prohibited	331
Issuance of false or fraudulent	344
Original receipt outstanding, issuance of duplicate	334
Records of	339
State warehouses, issuance	323
Reception of products without discrimination required	327
Records, duty to keep	337
Examination	341
Regulations by Secretary of Agriculture for execution of act	342
Reports to Secretary of Agriculture	337
Right reserved to alter, amend, or repeal act	347
Standards for agricultural products, establishment and adoption	333
State, etc., laws not affected by act	343
State officials, cooperation with, by Secretary of Agriculture in enforcement of act	343
State warehouses, licensing	323
Storage of products subject to terms of act	328
Title of act	315
Unlawful use of products stored	344
Violation of or failure to comply with act, punishment	344
WAR FINANCE CORPORATION	
Secretary of Agriculture a member	106a
WAR SUPPLIES	
Office supplies, etc., falling into disuse because of cessation of war, heads of departments, etc., to cooperate in storage and delivery of	1303, p. 740
Transfer by departments, etc., to Secretary of Treasury	1303, p. 740
Sale of, through heads of departments	1302
WASATCH NATIONAL FOREST	
Protection of certain lands within, reserved for water supply of Salt Lake City, Utah	899-902
Right of way to Salt Lake City, Utah, for reservoir purposes	877
WASHINGTON	
Bellingham, acquisition of site of plant propagating station	53
National forests, creation of or additions to except by act of Congress prohibited	550
Exchange of timber and land in, for certain lands within Rainier National Forest	723
Timber, cutting on public lands for certain purposes	616
WASHINGTON MARKET COMPANY	
Buildings and grounds, annulment of lease to company	88

WASHINGTON MARKET COMPANY—Continued

	Section.
Buildings and grounds, etc.—Continued	
Award for improvements, amount	91
Appeal	91
Appropriation for payment	93
By commission	90, 91
Filing	91
Payment	89
Commission, appointment	90
Award by	90, 91
Compensation and expenses, appropriation for	93
Limitation	93
Disqualifications for service on	90
Hearings	91
Judicial proceedings to compel testimony	92
Oath of members	90
Power and duty to take testimony	91
Disposal of rents and storage charges as to time of taking over	89
Expenditures for operation and maintenance, authority of Secretary of Agriculture	89
Leases by Secretary of Agriculture	89
Cancellation by Congress	89
Ejectment of lessees for overcharging, etc.	95
Lessees ejected denied privileges thereafter	95
Limitation of period	89
Provisions in, for ejectment	95
Subletting prohibited	89
Possession and control vested in Secretary of Agriculture	89
Purchase of supplies and equipment by Secretary of Agriculture	96a, p. 716
Regulations by Secretary of Agriculture for management and control	89
Rent by Secretary of Agriculture of portion not reserved	89
Repeal of conflicting laws	96
Reports by Secretary of Agriculture of revenues and expenditures	89
Representation of United States by attorneys of Department of Justice	94
Reservation by Secretary of Agriculture of portion necessary for use of United States	89
Revenues derived to be property of United States	89
Surrender of, by company and appropriation by United States	89
Taking over by United States	88

WASHINGTON'S BIRTHDAY

Holiday in District of Columbia	958
Per diem employees	959

WASTE PAPER

Sale of useless papers	1464, 1465
Sale of useless papers and worthless documents and publications of Agricultural Department	69

WATCHMEN(See *Employees*)

Agricultural Department, powers and duties	42
Authority to employ	984
Employment only as specifically appropriated for	985, 986
Employment beyond provisions of law prohibited	987
Salaries	982

WATER(See *National Forests; Rights of Way*)

National forests, use of	547
Public buildings, shutting off	1325

WATERWAYS COMMISSION

Coordination and cooperation of services of departments, etc.	1128
---	------

WEATHER BUREAU

Appropriations made with three of other bureaus Agricultural Department	151
Changes of assignment of duty in force of	152a

WEATHER BUREAU—Continued	Section.
Chief, appointment.....	150
Annual Report, printing, number of copies.....	111
Duties	149
Salary	150
Civilian duties of Signal Corps transferred to.....	148
Counterfeiting weather forecasts or warnings.....	155
Development in interests of agriculture.....	151
Employees	150
Travel expenses of, when transferred from one station to another.....	161
Promotions without prejudice to those transferred from Signal Corps.....	152
Establishment.....	148
Estimates for, prepared by Secretary of Agriculture.....	151
Flags, display on mail cars.....	153
Molesting.....	155
Forecasts or warnings, counterfeiting.....	155
Maps, charts, bulletins, etc., molesting.....	155
Printing, general restriction on printing not applicable to.....	157a
Secretary of Agriculture to determine number of copies.....	118
Sale of surplus.....	159
Member of Advisory Committee on Aeronautics appointed from.....	162
Meteorological information furnished to Hydrographic Office of Navy Department.....	158
Meteorological instruments, issuance to voluntary observers.....	156
Molesting weather flags, maps, or bulletins.....	155
Officers, travel expenses, when transferred from one station to another.....	161
Printing office, not part of Government Printing Office.....	1407
Public Printer may abolish.....	1407
Restriction on printing by.....	157, p. 719
Restriction on printing by branches of Government not applicable to authorized printing at.....	157a
Publications, sale of surplus.....	159
Signals, display on mail cars.....	153
Telegrams, destruction of old.....	160
WEEKS ACT	
(See <i>National Forests</i>)	
Text.....	624-637, p. 733
WEISER NATIONAL FOREST	
Addition of certain lands to.....	690
WENATCHEE NATIONAL FOREST	
Exchange of lands for certain lands not in Government ownership to become parts of.....	724c
WHEAT	
(See <i>Grain; Grain Futures; Grain Standards</i>)	
Importation of seeds adulterated or unfit for seeding.....	223-225
WHITMAN NATIONAL FOREST	
Addition of certain lands to.....	685
Exchange of timber in or near for privately owned lands within.....	710
Reservation of certain lands within, as water supply for Baker, Oreg.....	895-898
WICHITA NATIONAL FOREST	
Protection of game animals and birds.....	583-585
WIDOWS	
Honorably discharged soldiers, sailors, and marines, preference in appointments to clerical and other positions.....	937
WILD ANIMALS	
(See <i>Game</i>)	
Alaska, fur-bearing animals, powers and authority of Secretary of Agriculture with respect to.....	83
Protection.....	484-492, p. 727
Custer State Park Game Sanctuary.....	590-593, p. 729
Dead bodies of animals importation or interstate transportation of which is prohibited, subject to laws of States.....	460
Grand Canyon Forest Reserve.....	586-589

WILD ANIMALS—Continued	Section.
Hunting, etc., on lands set apart as refuges or breeding grounds.....	p. 723
Importation, animals injurious to agriculture or horticulture, prohibited	465
Foreign animals, permits.....	465
Natural history specimens.....	465
Punishment for violations.....	468
Regulations.....	465
Montana National Bison Range.....	460, 461
Protection on lands acquired for protection of watersheds.....	643
Refuge in Medicine Bow National Forest.....	p. 730
Refuge in South Dakota.....	pp. 729, 730
Sullys Hill National Park Game Preserve.....	459
Transportation, dead bodies of game animals, marking packages.....	467
Dead bodies of illegally killed or shipped, unlawful.....	466
Foreign animals importation of which is prohibited, unlawful.....	466
Punishment for violations.....	468
Upper Mississippi River Wild Life and Fish Refuge.....	pp. 723-726
Wichita Forest Reserve.....	583-585
Wind Cave National Game Preserve.....	462
Wyoming Elk Reserve.....	463, 464
WILD BIRDS	
(See <i>Birds; Game</i>)	
WIND CAVE NATIONAL GAME PRESERVE	
Acquisition of adjacent lands.....	462
Enclosure, etc.....	462
Establishment	462
WITNESSES	
Claims against United States pending in departments, compelling testimony	1387
Counsel for examination of.....	1388
Fees.....	1386
Subpoenas	1385
Enforcement of certain acts relating to Agricultural Department, authority to administer oaths, examine, etc.....	86
Expenses of clerks, etc., sent away as witnesses for Government.....	1020
Investigations in departments, authority to administer oaths.....	1085
WOMEN	
Appointment to clerkships.....	963
WYOMING	
National forests, creation of and additions to prohibited except by act of Congress.....	550
Timber, mineral lands, cutting for certain purposes.....	614
Timber lands, cutting for certain purposes.....	616
Cutting for removal to Idaho.....	617
WYOMING ELK REFUGE	
Establishment and maintenance.....	464
WYOMING ELK RESERVE	
Establishment	463
WYOMING NATIONAL FOREST	
Addition of certain lands to.....	683, 687
YELLOWSTONE NATIONAL FOREST	
Homestead entries on certain lands in.....	736
ZUNI NATIONAL FOREST	
Exchange of timber within Pecos National Forest for certain privately owned timberlands within Zuni National Forest.....	703
Fort Wingate Military Reservation added to.....	681
Grant of right of way to Atchison, Topeka & Santa Fe Railway Co. upon.....	823-826

